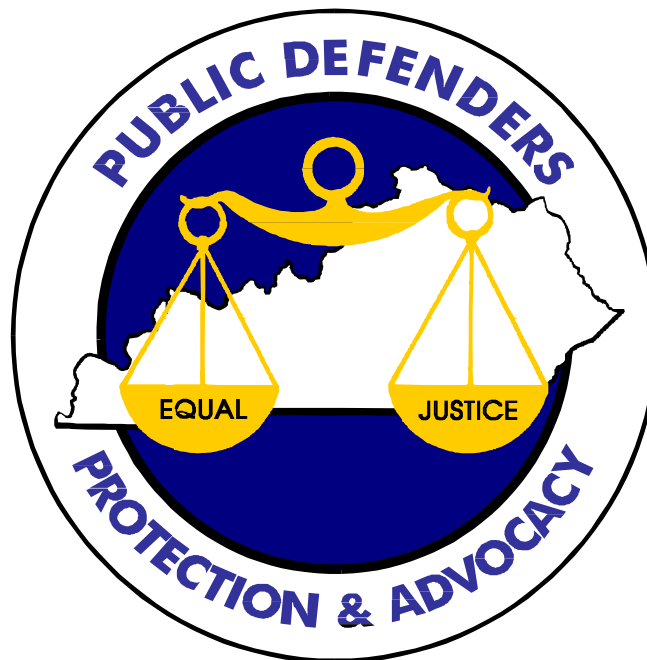


*KENTUCKY
DEPARTMENT OF PUBLIC
ADVOCACY*



DEFENDER CASELOAD REPORT
Fiscal Year 2003 -2004

Erwin W. Lewis
Public Advocate
September 2004

DPA DEFENDER MISSION STATEMENT

Provide each client with high quality services through an effective delivery system, which ensures a defender staff dedicated to the interests of their clients and the improvement of the criminal justice system.

DIVISION MISSION STATEMENTS

Law Operations

As a team, effectively and efficiently provide all critical support services to our internal and external DPA customers to meet the agency's mission of high quality representation of clients.

Trials

Serve as leaders of the criminal defense bar in every community across the Commonwealth by providing high quality representation for every client facing loss of life or liberty at the trial level.

Post-Trials

Through high-quality representation, defend the life and liberty of post-trial clients and protect the statutory and constitutional rights of those the state has incarcerated or confined.

TABLE OF CONTENTS

<u>Mission Statements</u>	Inside Front Cover
DPA Defender	
Law Operations	
Trials	
Post Trials	
 <u>Executive Summary</u>	 <u>TAB</u>
 <u>DPA Fiscal Year 2004 Reported Expenditures and Cases</u>	 1
♦ Divisions' Data Comparisons	
♦ Statement of Definitions	
♦ Full Agency Caseload Comparisons	
 <u>Trial Division Reports:</u>	
♦ Trial Division Funding Per Case Analysis - Fiscal Year 2004	2
♦ Trial Division Field Office Workload - Fiscal Year 2002 through Fiscal Year 2004	3
♦ Trial Division Cases Reported Opened - Fiscal Year 2004	4
♦ Trial Division Regions and Offices: Case and Population Totals; Case Averages; and Poverty, Unemployment, and Education Statistics – Fiscal Year 2004	
♦ Trial Division Capital Eligible, Juvenile, and Involuntary Commitment Cases Reported Opened – Fiscal Year 2004 – with Juvenile Caseload Trends	5
 <u>Post Trial Division Reports:</u>	
♦ Appeal Cases	6
♦ Appeals Branch - Fiscal Year 2004	
♦ Maps – Appeals Branch Cases by County – Court of Appeals and Supreme Court	
♦ Juvenile Post Disposition Branch - Fiscal Year 2004	7
♦ Post Conviction Cases	8
♦ Post Conviction - Fiscal Year 2004	
♦ Capital Post Conviction - Fiscal Year 2004	

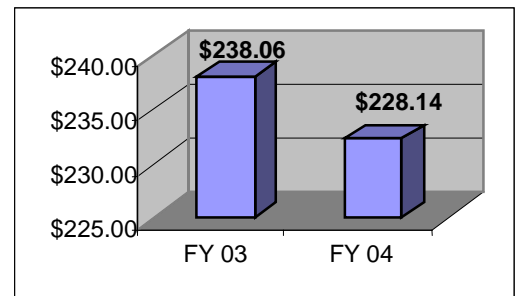
Executive Summary:

In FY 2004, DPA saw overall caseloads rise, funding per case drop and Cases per Attorney increase.

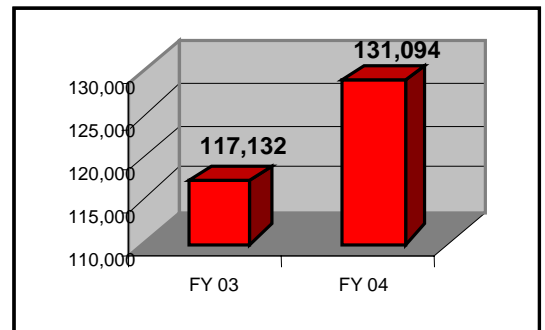
In Fiscal Year 2004 (July 1, 2003-June 30, 2004) the Department of Public Advocacy (DPA), Kentucky's statewide Public Defender Program, provided representation in **131,094** cases. The highlights of this representation in FY 2004 are:

- Overall cases rose to **131,094**, up from over 117,000 in FY 2003.
- Trial cases increased in FY 2004, rising from over 115,000 cases in FY 2003 to **129,159** cases—an increase of **12%** over FY 2003.
- The Post-Trial Division was assigned 1,935 cases—a decrease of .05% from FY 2003
- Of the **129,159** trial cases, 23% were Circuit Court cases and 77% were District Court cases. This continues the trend toward more Circuit Court cases since FY 1997.
- The Trial Division opened **18,006** Juvenile cases in FY 04. This represents an increase of over 9% from FY 03.
- The average number of new cases opened in FY 04 by a trial attorney rose from 484 in FY 2003 to **489** in FY 2004, an increase of **1.1%**.
- **Fifteen** Trial Division field offices had average caseloads of over 500 new open cases per lawyer, far in excess of national standards. **One** trial office exceeded 600 new open cases per lawyer.
- DPA per case funding decreased by **4.2%** in FY 2004, falling from \$238.06 to **\$228.14**.
- DPA Per Capita funding increased by 7.2% over FY 03, rising from \$6.81 to \$7.30.
- Of the **129,159** trial cases, **2,884** cases were handled by contract conflict counsel receiving cases from DPA full-time offices, compared to 2,700 conflict cases in FY 03.
- The full-time Kentucky Public Defender system now covers all but two counties.

DPA Funding Per Case: a **4.2%** drop in FY 2004



DPA Caseload – All Divisions: a **12%** increase over FY 2003



Despite the rising caseload, DPA attorneys continue to represent Kentucky's indigent at workloads far in excess of national standards. DPA attorneys serve as the voice for those in Kentucky's criminal justice system who would otherwise be unheard.

Erwin W. Lewis
Public Advocate

Tab 1

DEPARTMENT OF PUBLIC ADVOCACY
FISCAL YEAR 2004 REPORTED FUNDING AND CASES
Per Case Funding Drops while Per Capita Funding Increases
July 1, 2003 - June 30, 2004

TRIAL DIVISION

I. Full-Time DPA Offices: Total 118 Counties, 27 Offices

Population	4,044,096
General Funding	\$ 18,048,187.00
Local Dollar Contributions	\$ 1,894,495.00
Revenue from Partial Fees	\$ 1,530,981.00
Total Funding	\$ 21,473,663.00
Reported Trial Cases	129,159
Average Trial Full-Time Per Case Funding	\$ 166.26

II. Part-Time DPA Trial Contract Counties: Total 2 Counties (Barren and Metcalfe)

Population	48,795
General Funding from DPA	\$ 202,586.00
Local Dollar Contributions	\$ 23,424.00
Total Funding	\$ 226,010.00
Reported Trial Cases	376
Average Trial Contract Per Case Funding	\$ 601.09

III. Capital Trial Branch

General Funding	\$ 1,013,894.00
Reported Trial Cases	16
Average Capital Trial Branch Per Case Funding	\$ 63,368

IV. Other Trial Division Expenditures

Other Trial Division Expenses	\$ 192,981.00
-------------------------------	---------------

V. Total Trial Division Expenditures

Total Trial Dollars	\$ 22,906,548.00
Total Trial Cases	129,159
Average Funding per Trial Case	\$ 180.58

POST-TRIAL DIVISION

VI. Appeals Branch

Appeals	\$	1,091,651.00
Of-Counsel Appeals	\$	73,000.00
Capital Appeals	\$	481,698.00
Total Appeals Branch Expenditures	\$	1,646,349.00
Appellate Cases (including Louisville appeals cases)		360
Average Per Case Funding	\$	4,573.19

VII. Juvenile Post-Disposition Branch

Juvenile Post-Dispositional Dollars	\$	653,619.00
JAIBG Match Dollars	\$	84,038.00
Total Dollars	\$	737,657.00
Juvenile Appeals		47
Juvenile Access to Courts		965
JAIBG Cases		80
Total Juvenile Post-Disposition Branch Cases		1,092
Average Per Case Funding	\$	675.51

VIII. Post-Conviction Branch

Frankfort Office	\$	492,713.00
Capital Post-Conviction	\$	443,163.00
LaGrange Post-Conviction & Capital Conflicts	\$	459,627.00
LaGrange Capital Conflicts	\$	227,743.00
Kentucky Innocence Project	\$	320,551.00
Total Post-Conviction Expenditures	\$	1,943,797.00
Capital Post-Conviction Cases		50
Non-capital Post-Conviction		417
"Kentucky Innocence Project" cases		16
Total Post-Conviction Cases		483
Average Per Case Funding	\$	1,020.11

IX. Other Post-Trial Division Funding

(administration, apportioned agency overhead rate, law clerks)

\$ 208,789.00

X. Total Post-Trial Division Expenditures

Total Post-Trial Dollars \$ 4,536,592.00

Total Post-Trial Cases 1,935

Average Total Post-Trial Per Case Funding \$ 2,344.49

XI. Other Areas Funded

Office of the Public Advocate \$ 965,369.00

Law Operations \$ 1,499,661.00

Total Unclassified Funding \$ 2,465,030.00

GRAND TOTALS

DPA Funding \$ 29,908,170.00

Total Reported Cases 131,094

Funding Per Case \$ 228.14

Population 4,092,891

Funding Per Capita \$ 7.31

Statement of Definitions: Trial and Post Trial Cases and Case Counting Methods

Total cases listed for a branch, division, or DPA as a whole are only those cases that were *opened* during the fiscal year being reported. The totals do not include the numerous, ongoing cases handled by DPA that were opened in previous fiscal years. This exclusion is particularly important in capital cases, which typically remain open for several years.

DPA has extensive protocols for the application of case definitions and case counting methods that take into account the unique differences among circuit and district court cases, juvenile and adult cases, etc. These definitions were developed in concert with staff input, KRS requirements, and commonly accepted statistical methodology. Consistency of application is insured through the use of the agency's Case Tracking System (CTS), an in-house database.

Throughout this document, the following definitions and methods of case counting are used consistently.

Trial Division Cases

A **case** consists of a single accused, having either under the same or different case number(s), one or more charges, allegations, or proceedings arising out of one event or a group of related contemporaneous events. These charges must be brought contemporaneously against the defendant, stemming from the same course of conduct, and involving proof of the same facts. Some cases assigned to individual attorneys are conducted, either wholly or in part, outside the confines of state courts (e.g., parole revocation hearings, KRS 31.110 line-ups, interrogations, other pre-charge events, witness representations); however, to be counted as a "case" for Trial Division statistical purposes, a formal appointment by a court with appropriate jurisdiction is required. An individual attorney's actions do not constitute a "case" (for agency statistical purposes) if the activity is brief, strictly routine (e.g., standing in for arraignment purposes at a regularly scheduled motion hour, responding to inmate correspondence), and performed as a courtesy to the court.

In addition to adhering to the general agency definition of a "case," to be counted as a **capital eligible case**, an accused must be charged with at least one count of kidnapping or murder, with a qualifying KRS aggravator identified. The number of attorneys assigned to the case has no bearing on the agency's counting of capital cases, and, because cases must be entered and categorized upon assignment, the agency does not require prior receipt of notice from the Commonwealth's Attorney that the death penalty will be sought.

Post Trial Division Cases

The Post Trial Division has three branches, each of which has a different mission and function. Louisville and Lexington have their own Post-trial Divisions. Cases are counted in accordance with the mission and function of each branch. Across the division, a case is assigned and counted as a case at the following points in the process:

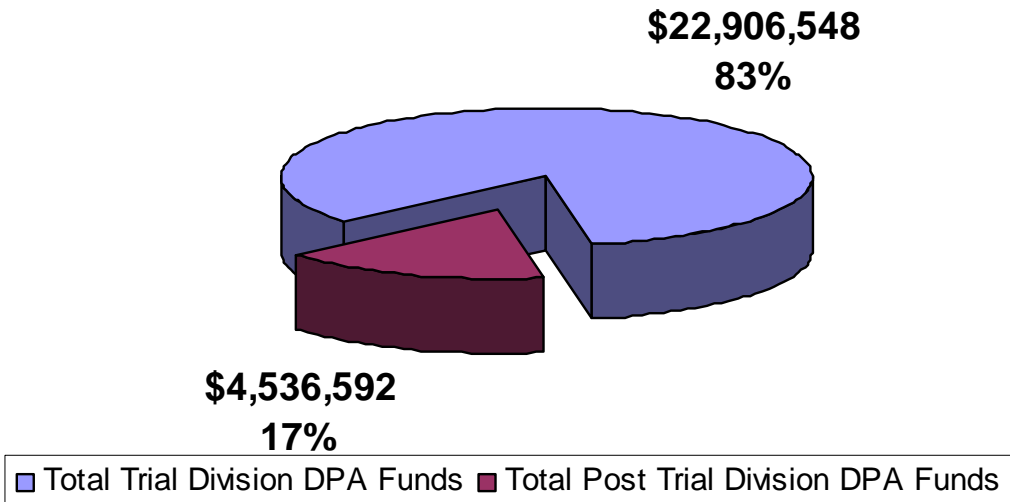
- a. When a direct appeal is received and the case is assigned to counsel to brief.
- b. When a post conviction appeal is received and the case is assigned to counsel to brief. These include appeals from RCR 11.42 denials, CR 60.02 denials, state habeas denials, conditional guilty pleas, probation revocations, denials of requests to withdraw guilty pleas, jail credit denials, sentence reduction denials, and Lewis hearing appeals.
- c. When a petition for habeas corpus is filed in the U.S. District Court.
- d. When a final (versus proof) brief is filed on a habeas case in the Sixth Circuit Court of Appeals.
- e. When a petition for writ of certiorari is granted and briefing is ordered.
- f. When a motion for discretionary review is granted and briefing is ordered.

Other cases which are counted in the Post Trial Division include:

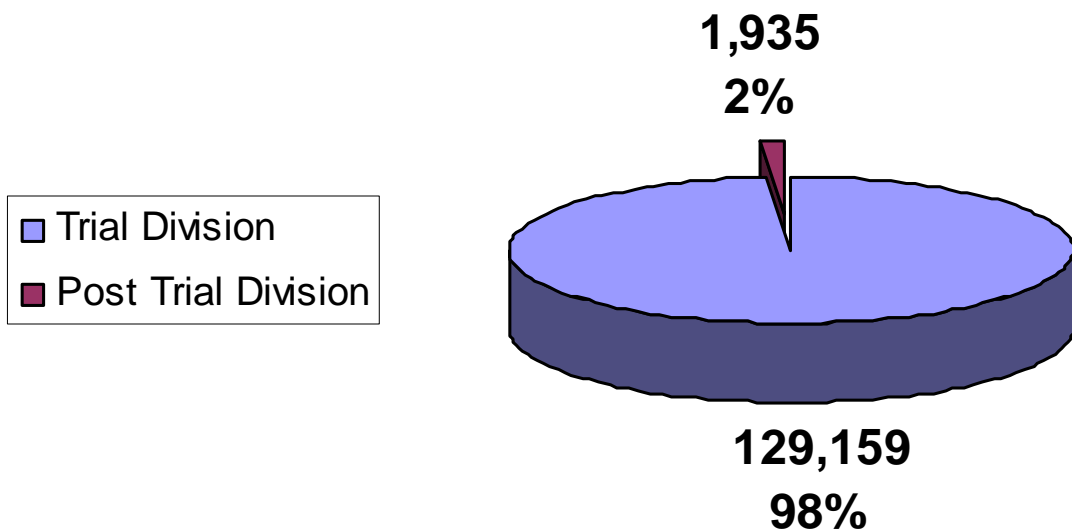
- g. Original actions filed and extraordinary writs filed in a circuit court, court of appeals, supreme court, or federal court.
- h. Fact, duration or condition of confinement cases pursued on behalf of clients under eighteen years of age who are in the juvenile system. These include inter alia motions to terminate commitment, cases pursued as Section 1983 litigation, ARC hearings, YO sentencing hearings where JPDB lawyers do not enter the case until the sentencing stage as the attorneys for the child in circuit court, supervised placement revocation hearings.
- i. state habeas actions
- j. RCR 11.42 pleadings
- k. CR 60.02 pleadings
- l. Section 1983 litigation related to capital post conviction representation
- m. Clemency filings on behalf of capital and non-capital clients
- n. Motions filed in post conviction to correct the sentence
- o. Motions filed to reopen cases pursuant to the Kentucky Innocence Project

Division of Caseload vs. Division of Funding
for Kentucky Department of Public Advocacy

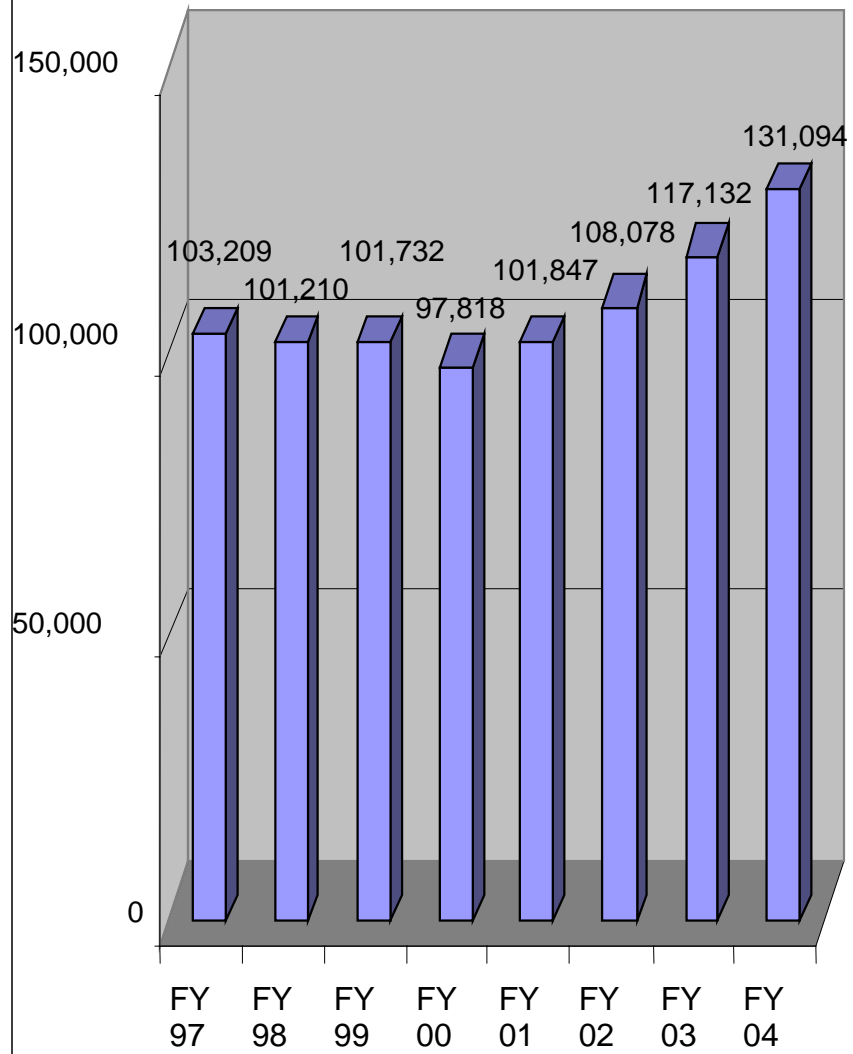
Kentucky DPA Funding by Division, FY 2004



DPA Caseload by Division FY 2004



Total DPA Caseload: Trial & Post-Trial Combined: Caseload Continues to Rise



Tab 2

**DPA Funding FY 2004 Per Trial Division Case by Field
Office: Average Funding Per Trial Case by Field Office is
\$160 Per Case**

Office	Funding*	Cases	Funding Per Case
Bell	\$436,163	2,157	\$202.21
Boone	\$359,260	3,104	\$115.74
Bowling Green	\$762,101	4,090	\$186.33
Bullitt	\$351,820	2,224	\$158.19
Catlettsburg	\$107,092	1,005	\$106.56
Columbia	\$578,154	3,705	\$156.05
Covington	\$1,024,849	5,394	\$190.00
Danville	\$716,813	3,005	\$238.54
Elizabethtown	\$1,126,849	6,338	\$177.79
Frankfort	\$482,611	2,518	\$191.66
Harrison	\$215,375	1,911	\$112.70
Hazard	\$761,400	5,563	\$136.87
Henderson	\$553,487	3,457	\$160.11
Hopkinsville	\$860,356	5,770	\$149.11
LaGrange	\$381,481	1,990	\$191.70
Lexington	\$969,009	7,437	\$130.30
London	\$792,988	4,127	\$192.15
Louisville	\$3,254,000	28,267	\$115.12
Madisonville	\$490,646	2,467	\$198.88
Maysville	\$472,631	2,299	\$205.58
Morehead	\$916,532	5,378	\$170.42
Murray	\$514,241	3,758	\$136.84
Owensboro	\$591,143	4,219	\$140.11
Paducah	\$916,127	4,926	\$185.98
Paintsville	\$345,657	1,665	\$207.60
Pikeville	\$561,343	2,906	\$193.17
Richmond	\$595,438	3,320	\$179.35
Somerset	\$735,057	3,398	\$216.32
Stanton	\$576,082	2,745	\$209.87
Full-time office funding	\$20,448,705	129,143	\$158.34

II. PART-TIME CONTRACT COUNTIES: TOTAL 2 COUNTIES

COUNTY	TOTAL	CASES	FUNDING/CASE
Barren & Metcalfe	\$226,010	376	\$ 601.09

GRAND TOTAL	\$20,674,715	129,519	\$ 159.63
--------------------	---------------------	----------------	------------------

*Funding does not include regional office or trial division director costs

TAB 3

FIELD OFFICE WORKLOAD - ALPHABETICAL LISTING, Fiscal Year 02, 03, and 04 (04 thru Fourth Quarter): 489 Cases Per Attorney

OFFICE	ATTYS*	FY 02 Cases	FY02 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 02 AVG cases/atty	FY 03 Cases	FY03 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 03 AVG cases/atty	FY 04 Cases: 4th Quarter	FY04 Conflict Cases	Conflict % of Total Cases	% increase in total caseload**	FY 04 AVG cases/atty
Bell County	5	2,236	15	0.67%	23.60%	555.3	2,120	9	0.42%	-5.19%	527.8	2,157	13	0.60%	1.32%	428.8
Boone County	6	0	0	N/A	N/A	N/A	0	0	0.00%	N/A	0.0	3,104	79	2.55%	N/A	504.2
Bowling Green	9	3,951	231	5.85%	2.81%	413.3	4,065	137	3.37%	2.89%	436.4	4,090	107	2.62%	-2.67%	442.6
Bullitt County	4	0	0	N/A	N/A	N/A	1,103	0	0.00%	N/A	551.5	2,224	80	3.60%	101.63%	536.0
Capital Trial Br. ²	7	15	N/A	N/A	50.00%	N/A	17	N/A	N/A	13.33%	N/A	16	N/A	N/A	N/A	N/A
Catlettsburg	2	771	9	1.17%	4.19%	381.0	866	1	0.12%	12.32%	432.5	1,005	33	3.28%	15.92%	486.0
Columbia	7	3,052	58	1.90%	6.01%	499.0	3,135	65	2.07%	2.72%	511.7	3,705	114	3.08%	15.78%	513.0
Covington	12	3,115	60	1.93%	4.01%	381.9	4,022	85	2.11%	29.12%	492.1	5,394	159	2.95%	31.34%	436.3
Danville	6	2,347	197	8.39%	34.42%	430.0	2,762	268	9.70%	17.68%	498.8	3,005	142	4.73%	-0.83%	477.2
Elizabethtown	12	5,710	67	1.17%	2.88%	564.3	6,447	85	1.32%	12.91%	636.2	6,338	105	1.66%	-2.97%	519.4
Frankfort	5	2,824	22	0.78%	15.69%	560.4	3,095	15	0.48%	9.60%	616.0	2,518	5	0.20%	-19.04%	502.6
Harrison ³	4	0	0	N/A	N/A	N/A	0	0	0.48%	9.60%	617.0	1,911	9	0.47%	N/A	475.5
Hazard	9	3,756	71	1.89%	5.03%	460.6	4,675	61	1.30%	24.47%	576.8	5,563	1	0.02%	17.46%	618.0
Henderson	6	2,349	35	1.49%	-2.08%	462.8	2,989	28	0.94%	27.25%	592.2	3,457	41	1.19%	14.58%	569.3
Hopkinsville	11	5,244	202	3.85%	18.27%	560.2	5,342	158	2.96%	1.87%	576.0	5,770	176	3.05%	4.91%	508.5
LaGrange	4	1,512	43	2.84%	17.39%	489.7	1,773	71	4.00%	17.26%	567.3	1,990	41	2.06%	7.92%	487.3
Lexington ¹	18	7,087	N/A	N/A	3.26%	384.4	7,565	11	0.15%	6.74%	419.7	7,437	11	0.15%	-1.83%	412.6
London	8	3,516	146	4.15%	-0.93%	481.4	4,018	274	6.82%	14.28%	534.9	4,127	283	6.86%	-3.84%	480.5
Louisville ¹	53	23,763	N/A	N/A	6.45%	421.9	25,981	78	0.30%	9.33%	507.9	28,267	101	0.36%	8.47%	531.4
Madisonville	5	2,009	67	3.33%	-1.71%	485.5	2,119	81	3.82%	5.48%	509.5	2,467	74	3.00%	12.14%	478.6
Maysville	4	1,921	119	6.19%	4.63%	450.5	2,219	88	3.97%	15.51%	426.2	2,299	129	5.61%	-0.35%	542.5
Morehead	10	4,695	130	2.77%	10.44%	507.2	4,670	100	2.14%	-0.53%	507.8	5,378	109	2.03%	12.75%	526.9
Murray	6	847	10	1.18%	43.56%	139.5	2,747	70	2.55%	224.32%	446.2	3,758	159	4.23%	33.40%	599.8
Owensboro	8	3,467	32	0.92%	1.05%	429.4	3,296	35	1.06%	-4.93%	407.6	4,219	46	1.09%	26.66%	521.6
Paducah	10	5,039	147	2.92%	1.39%	543.6	4,832	124	2.57%	-4.11%	523.1	4,926	139	2.82%	-0.61%	478.7
Paintsville	3	1,151	31	2.69%	5.50%	373.3	1,437	36	2.51%	24.85%	467.0	1,665	52	3.12%	13.03%	537.7
Pikeville	6	2,692	45	1.67%	11.65%	441.2	2,598	40	1.54%	-3.49%	426.3	2,906	42	1.45%	10.16%	477.3
Richmond	7	3,164	244	7.71%	17.75%	417.1	3,217	220	6.84%	1.68%	428.1	3,320	176	5.30%	-3.40%	449.1
Somerset	6	2,589	231	8.92%	24.53%	471.6	2,813	255	9.07%	8.65%	426.3	3,398	239	7.03%	10.76%	526.5
Stanton	5	2,489	166	6.67%	59.96%	464.6	2,687	284	10.57%	7.96%	480.6	2,745	219	7.98%	-7.61%	505.2
TOTAL	258	101,311	2,378	2.35%	8.48%	435.8	112,610	2,679	2.38%	11.15%	484.3	129,159	2,884	2.23%	12.03%	489.4

*Authorized compliment as of 06/30/04. May differ from actual staffing.

**% increase in total caseload is the percentage rise/drop of total cases from the previous year

1. Lexington and Louisville's workload numbers also include post-trial cases handled internally by those offices. These are included to provide a clearer assessment of individual attorneys' workloads. Conflict cases are included in the caseload #s (but not atty avgs.) for all offices.

2. The Capital Trial Branch is included to recognize the services of its attorneys and staff, but its cases are excluded from "avg. cases/atty" comparison analysis due to their length and complexity.

3. Harrison office was opened mid FY 2004. The office numbers include cases that were actually opened in surrounding offices and later absorbed by the Harrison office. This re-districting of the numbers primarily affects the year-end totals for the Frankfort and Maysville offices.

NOTE: The above numbers do not include contract cases for Barren and Metcalf which are listed on a later chart breakdown by county.

FIELD OFFICE WORKLOAD -- By Attorney Avg Caseload, Fiscal Year 02, 03, and 04 (04 thru Fourth Quarter): 489 Cases Per Attorney

OFFICE	ATTYS*	FY 02 Cases	FY02 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 02 AVG cases/atty	FY 03 Cases	FY03 Conflict Cases	Conflict % of Total Cases	% change in total caseload	FY 03 AVG cases/atty	FY 04 Cases: 4th Quarter	FY04 Conflict Cases	Conflict % of Total Cases	% increase in total caseload**	FY 04 AVG cases/atty
Hazard	9	3,756	71	1.89%	5.03%	460.6	4,675	61	1.30%	24.47%	576.8	5,563	1	0.02%	17.46%	618.0
Murray	6	847	10	1.18%	43.56%	139.5	2,747	70	2.55%	224.32%	446.2	3,758	159	4.23%	33.40%	599.8
Henderson	6	2,349	35	1.49%	-2.08%	462.8	2,989	28	0.94%	27.25%	592.2	3,457	41	1.19%	14.58%	569.3
Maysville	4	1,921	119	6.19%	4.63%	450.5	2,219	88	3.97%	15.51%	426.2	2,299	129	5.61%	-0.35%	542.5
Paintsville	3	1,151	31	2.69%	5.50%	373.3	1,437	36	2.51%	24.85%	467.0	1,665	52	3.12%	13.03%	537.7
Bullitt County	4	0	0	N/A	N/A	N/A	1,103	0	0.00%	N/A	551.5	2,224	80	3.60%	101.63%	536.0
Louisville ¹	53	23,763	N/A	N/A	6.45%	421.9	25,981	78	0.30%	9.33%	507.9	28,267	101	0.36%	8.47%	531.4
Morehead	10	4,695	130	2.77%	10.44%	507.2	4,670	100	2.14%	-0.53%	507.8	5,378	109	2.03%	12.75%	526.9
Somerset	6	2,589	231	8.92%	24.53%	471.6	2,813	255	9.07%	8.65%	426.3	3,398	239	7.03%	10.76%	526.5
Owensboro	8	3,467	32	0.92%	1.05%	429.4	3,296	35	1.06%	-4.93%	407.6	4,219	46	1.09%	26.66%	521.6
Elizabethtown	12	5,710	67	1.17%	2.88%	564.3	6,447	85	1.32%	12.91%	636.2	6,338	105	1.66%	-2.97%	519.4
Columbia	7	3,052	58	1.90%	6.01%	499.0	3,135	65	2.07%	2.72%	511.7	3,705	114	3.08%	15.78%	513.0
Hopkinsville	11	5,244	202	3.85%	18.27%	560.2	5,342	158	2.96%	1.87%	576.0	5,770	176	3.05%	4.91%	508.5
Stanton	5	2,489	166	6.67%	59.96%	464.6	2,687	284	10.57%	7.96%	480.6	2,745	219	7.98%	-7.61%	505.2
Boone County	6	0	0	N/A	N/A	N/A	0	0	0.00%	N/A	0.0	3,104	79	2.55%	N/A	504.2
Frankfort	5	2,824	22	0.78%	15.69%	560.4	3,095	15	0.48%	9.60%	616.0	2,518	5	0.20%	-19.04%	502.6
LaGrange	4	1,512	43	2.84%	17.39%	489.7	1,773	71	4.00%	17.26%	567.3	1,990	41	2.06%	7.92%	487.3
Catlettsburg	2	771	9	1.17%	4.19%	381.0	866	1	0.12%	12.32%	432.5	1,005	33	3.28%	15.92%	486.0
London	8	3,516	146	4.15%	-0.93%	481.4	4,018	274	6.82%	14.28%	534.9	4,127	283	6.86%	-3.84%	480.5
Paducah	10	5,039	147	2.92%	1.39%	543.6	4,832	124	2.57%	-4.11%	523.1	4,926	139	2.82%	-0.61%	478.7
Madisonville	5	2,009	67	3.33%	-1.71%	485.5	2,119	81	3.82%	5.48%	509.5	2,467	74	3.00%	12.14%	478.6
Pikeville	6	2,692	45	1.67%	11.65%	441.2	2,598	40	1.54%	-3.49%	426.3	2,906	42	1.45%	10.16%	477.3
Danville	6	2,347	197	8.39%	34.42%	430.0	2,762	268	9.70%	17.68%	498.8	3,005	142	4.73%	-0.83%	477.2
Harrison ³	4	0	0	N/A	N/A	N/A	0	0	0.48%	9.60%	617.0	1,911	9	0.47%	N/A	475.5
Richmond	7	3,164	244	7.71%	17.75%	417.1	3,217	220	6.84%	1.68%	428.1	3,320	176	5.30%	-3.40%	449.1
Bowling Green	9	3,951	231	5.85%	2.81%	413.3	4,065	137	3.37%	2.89%	436.4	4,090	107	2.62%	-2.67%	442.6
Covington	12	3,115	60	1.93%	4.01%	381.9	4,022	85	2.11%	29.12%	492.1	5,394	159	2.95%	31.34%	436.3
Bell County	5	2,236	15	0.67%	23.60%	555.3	2,120	9	0.42%	-5.19%	527.8	2,157	13	0.60%	1.32%	428.8
Lexington ¹	18	7,087	N/A	N/A	3.26%	384.4	7,565	11	0.15%	6.74%	419.7	7,437	11	0.15%	-1.83%	412.6
Capital Trial Br. ²	7	15	N/A	N/A	50.00%	N/A	17	N/A	N/A	13.33%	N/A	16	N/A	N/A	N/A	N/A
TOTAL	258	101,311	2,378	2.35%	8.48%	435.8	112,610	2,679	2.38%	11.15%	484.3	129,159	2,884	2.23%	12.03%	489.4

*Authorized compliment as of 06/30/04. May differ from actual staffing.

**% increase in total caseload is the percentage rise/drop of total cases from the previous year

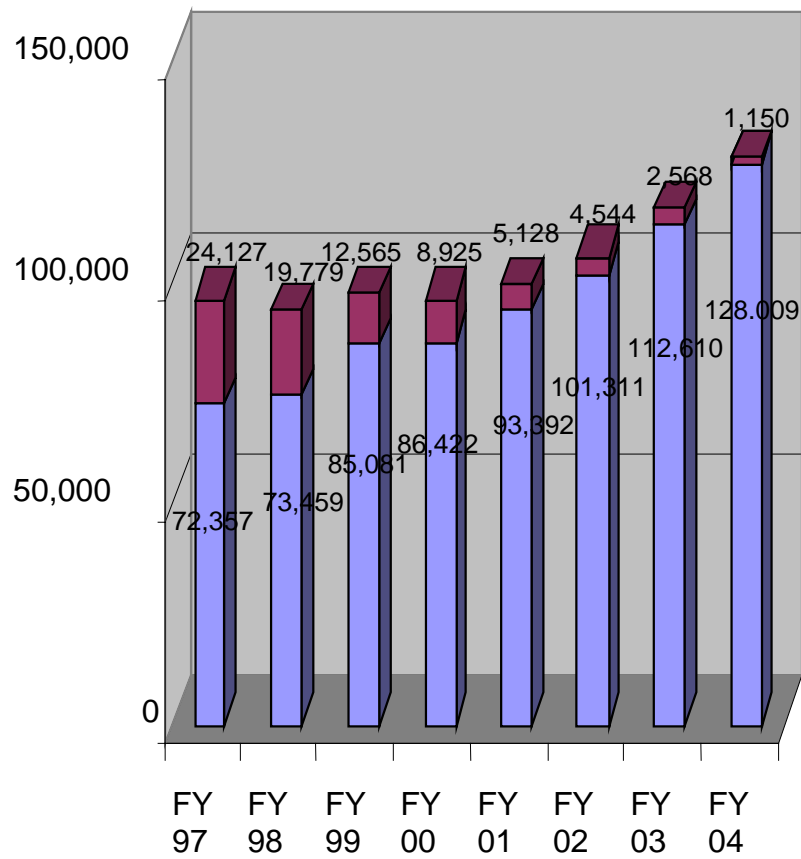
1. Lexington and Louisville's workload numbers also include post-trial cases handled internally by those offices. These are included to provide a clearer assessment of individual attorneys' workloads. Conflict cases are included in the caseload #s (but not atty avgs.) for all offices.

2. The Capital Trial Branch is included to recognize the services of its attorneys and staff, but its cases are excluded from "avg. cases/atty" comparison analysis due to their length and complexity.

3. Harrison office was opened mid FY 2004. The office numbers include cases that were actually opened in surrounding offices and later absorbed by the Harrison office. This re-districting of the numbers primarily affects the year-end totals for the Frankfort and Maysville offices.

NOTE: The above numbers do not include contract cases for Barren and Metcalf which are listed on a later chart breakdown by county.

Trial Division Workload: Field Office and Contract Cases



■ Field Office
Cases

■ Contract
Cases

Tab 4

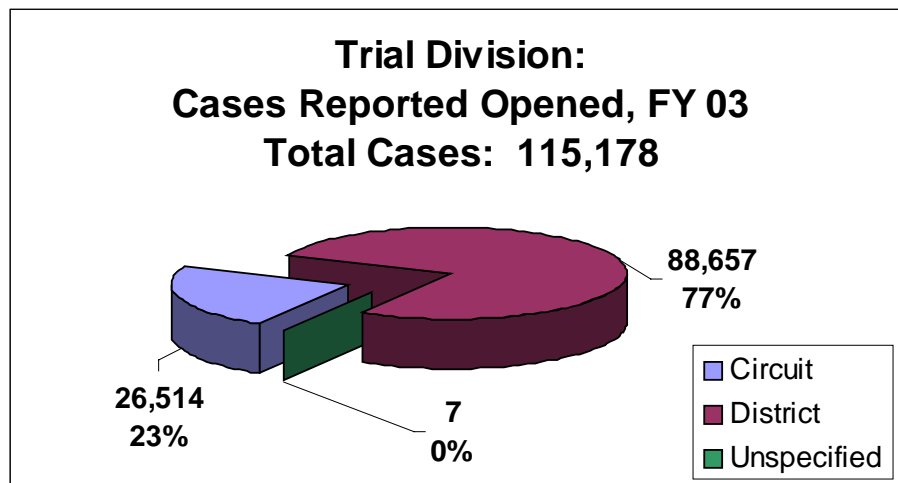
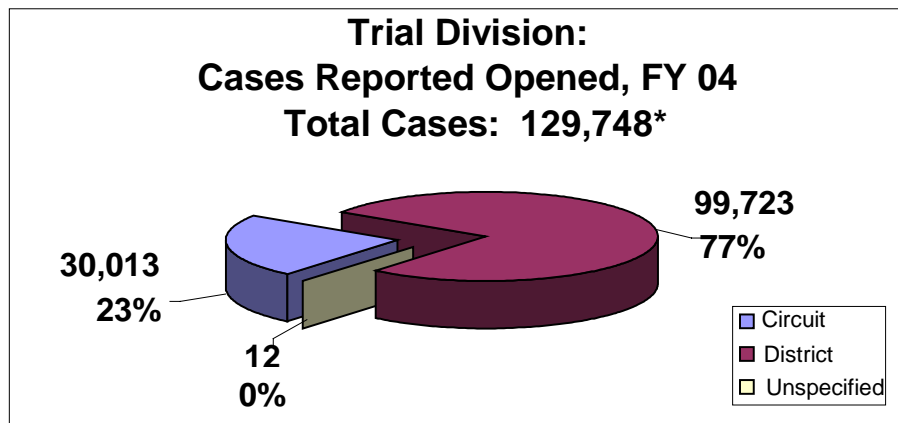
DPA Trial Division Cases Reported Opened FY 2004

- ◆ Of the **trial** cases: 23.14% were Circuit Court cases. **76.86% were District Court cases.**
- ◆ In FY 04, the trend is continuing toward a greater percentage of DPA trial cases being opened in Circuit Court each year. Since FY 02, a higher percentage of cases could be identified by court type compared to previous years due to improved data entry and collection methods.

	<u>Circuit</u>	<u>District</u>
FY 04	23.14%	76.86%
FY 03	23.02%	76.97%
FY 02	21.34%	78.65%
FY 01	21.17%	78.66%
FY 00	20.77%	79.10%
FY 99	19.44%	80.10%
FY 98	17.73%	82.27%
FY 97	16.42%	83.58%

- ◆ The actual number of cases opened in District Court has generally increased during this same period. It has simply increased at a slower rate than the Circuit Court caseload.

* This total number differs from the field office workload because it includes cases from two contract offices and other unassigned contract cases.



DPA Trial Cases Reported Opened by County: FY 2004*: Trend to Rise in Circuit Court Cases Continues

County	Circuit	Circuit %	District	Dist. %	Other	Other %	Total*
ADAIR	168	35.29%	308	64.71%			476
ALLEN	104	58.43%	74	41.57%			178
ANDERSON	83	27.04%	224	72.96%			307
BALLARD	80	32.92%	163	67.08%			243
BARREN	195	79.59%	50	20.41%			245
BATH	85	17.56%	399	82.44%			484
BELL	449	31.03%	998	68.97%			1,447
BOONE	523	30.16%	1211	69.84%			1,734
BOURBON	112	16.02%	587	83.98%			699
BOYD	225	22.17%	790	77.83%			1,015
BOYLE	111	17.56%	517	81.80%	4	0.63%	632
BRACKEN	51	16.67%	255	83.33%			306
BREATHITT	117	14.92%	667	85.08%			784
BRECKINRIDGE	209	41.72%	292	58.28%			501
BULLITT	227	18.23%	1018	81.77%			1,245
BUTLER	147	48.20%	158	51.80%			305
CALDWELL	85	28.33%	215	71.67%			300
CALLOWAY	293	34.15%	565	65.85%			858
CAMPBELL	335	28.63%	835	71.37%			1,170
CARLISLE	14	14.00%	86	86.00%			100
CARROLL	153	33.85%	299	66.15%			452
CARTER	104	11.85%	774	88.15%			878
CASEY	144	34.20%	277	65.80%			421
CHRISTIAN	832	20.73%	3181	79.27%			4,013
CLARK	262	30.79%	589	69.21%			851
CLAY	125	18.06%	567	81.94%			692
CLINTON	154	46.25%	179	53.75%			333
CRITTENDEN	48	18.25%	215	81.75%			263
CUMBERLAND	63	30.29%	145	69.71%			208
DAVIESS	801	23.24%	2645	76.76%			3,446
EDMONSON	78	49.06%	81	50.94%			159

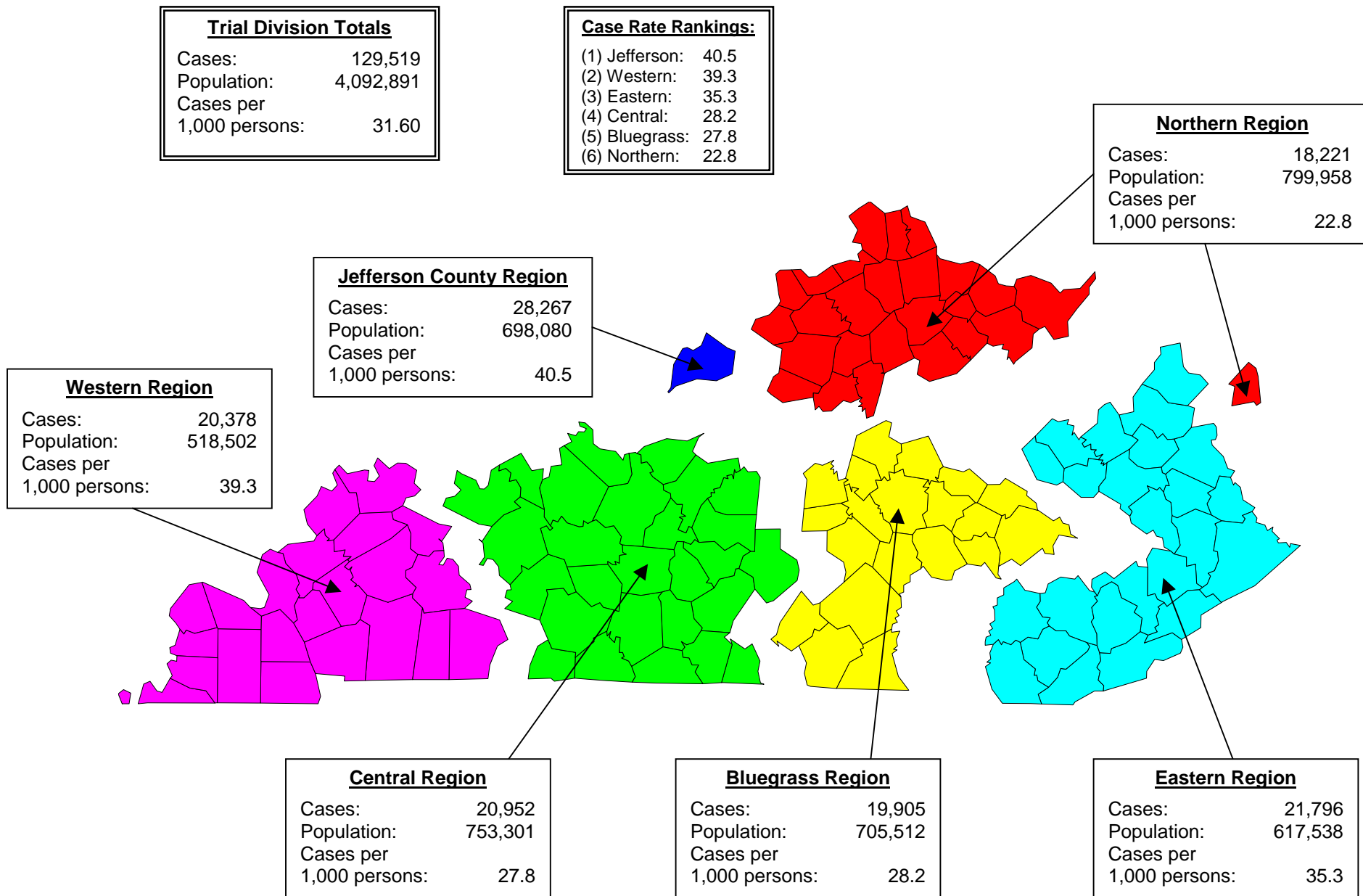
ELLIOTT	32	14.41%	190	85.59%			222
ESTILL	95	23.69%	306	76.31%			401
FAYETTE	2511	33.71%	4937	66.29%			7,448
FLEMING	80	18.91%	342	80.85%	1	0.24%	423
FLOYD	222	19.30%	928	80.70%			1,150
FRANKLIN	412	37.42%	689	62.58%			1,101
FULTON	119	37.78%	196	62.22%			315
GALLATIN	99	35.23%	182	64.77%			281
GARRARD	90	21.53%	327	78.23%	1	0.24%	418
GRANT	129	27.22%	345	72.78%			474
GRAVES	299	15.78%	1596	84.22%			1,895
GRAYSON	192	32.21%	404	67.79%			596
GREEN	95	32.53%	197	67.47%			292
GREENUP	184	19.83%	744	80.17%			928
HANCOCK	51	25.25%	151	74.75%			202
HARDIN	675	18.71%	2933	81.29%			3,608
HARLAN	296	40.94%	427	59.06%			723
HARRISON	71	15.54%	386	84.46%			457
HART	110	20.79%	419	79.21%			529
HENDERSON	523	22.62%	1789	77.38%			2,312
HENRY	71	18.44%	314	81.56%			385
HICKMAN	38	32.20%	80	67.80%			118
HOPKINS	414	23.66%	1336	76.34%			1,750
JACKSON	65	19.58%	267	80.42%			332
JEFFERSON	3911	13.79%	24457	86.21%			28,368
JESSAMINE	216	19.91%	869	80.09%			1,085
JOHNSON	145	23.62%	469	76.38%			614
KENTON	982	23.44%	3207	76.54%	1	0.02%	4,190
KNOTT	62	13.81%	387	86.19%			449
KNOX	154	14.65%	897	85.35%			1,051
LARUE	62	13.72%	390	86.28%			452
LAUREL	362	23.74%	1163	76.26%			1,525
LAWRENCE	83	18.99%	354	81.01%			437
LEE	76	27.24%	203	72.76%			279

LESLIE	42	16.28%	216	83.72%			258
LETCHER	301	21.95%	1068	77.90%	2	0.15%	1,371
LEWIS	76	22.49%	262	77.51%			338
LINCOLN	71	16.36%	362	83.41%	1	0.23%	434
LIVINGSTON	28	11.97%	206	88.03%			234
LOGAN	343	65.71%	179	34.29%			522
LYON	59	29.35%	142	70.65%			201
MCCRACKEN	770	18.51%	3391	81.49%			4,161
MCCREARY	186	32.80%	381	67.20%			567
MCLEAN	64	49.61%	65	50.39%			129
MADISON	616	36.26%	1083	63.74%			1,699
MAGOFFIN	93	19.29%	389	80.71%			482
MARION	251	46.65%	287	53.35%			538
MARSHALL	247	24.50%	761	75.50%			1,008
MARTIN	72	36.55%	125	63.45%			197
MASON	245	19.97%	982	80.03%			1,227
MEADE	188	30.77%	423	69.23%			611
MENIFEE	50	21.74%	180	78.26%			230
MERCER	84	18.96%	359	81.04%			443
METCALFE	70	53.44%	61	46.56%			131
MONROE	163	41.27%	232	58.73%			395
MONTGOMERY	255	25.27%	754	74.73%			1,009
MORGAN	81	18.84%	349	81.16%			430
MUHLENBERG	281	47.71%	308	52.29%			589
NELSON	369	42.96%	490	57.04%			859
NICHOLAS	46	19.33%	192	80.67%			238
OHIO	176	30.77%	396	69.23%			572
OLDHAM	108	27.14%	290	72.86%			398
OWEN	64	25.10%	191	74.90%			255
OWSLEY	53	18.03%	241	81.97%			294
PENDLETON	64	14.92%	365	85.08%			429
PERRY	307	8.11%	3477	91.86%	1	0.03%	3,785
PIKE	325	19.23%	1365	80.77%			1,690
POWELL	120	18.43%	531	81.57%			651

PULASKI	530	39.23%	821	60.77%			1,351
ROBERTSON	15	14.85%	86	85.15%			101
ROCKCASTLE	122	27.98%	314	72.02%			436
ROWAN	180	14.95%	1024	85.05%			1,204
RUSSELL	109	18.54%	479	81.46%			588
SCOTT	84	15.05%	474	84.95%			558
SHELBY	218	20.74%	833	79.26%			1,051
SIMPSON	190	59.01%	132	40.99%			322
SPENCER	47	31.97%	100	68.03%			147
TAYLOR	358	41.39%	507	58.61%			865
TODD	153	47.08%	172	52.92%			325
TRIGG	26	13.54%	166	86.46%			192
TRIMBLE	29	19.08%	123	80.92%			152
UNION	123	27.64%	322	72.36%			445
WARREN	1306	41.75%	1821	58.22%	1		3,128
WASHINGTON	90	46.63%	103	53.37%			193
WAYNE	398	45.12%	484	54.88%			882
WEBSTER	95	21.64%	344	78.36%			439
WHITLEY	197	32.78%	404	67.22%			601
WOLFE	59	17.20%	284	82.80%			343
WOODFORD	113	22.83%	382	77.17%			495
TOTAL	30,013	23.13%	99,723	76.86%	12	0.01%	129,748

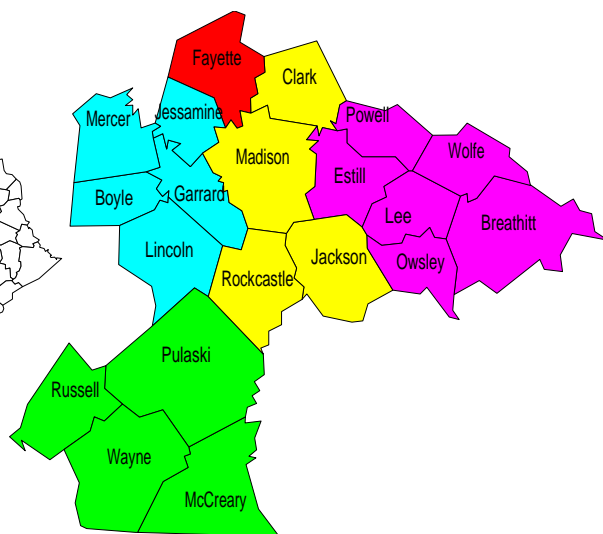
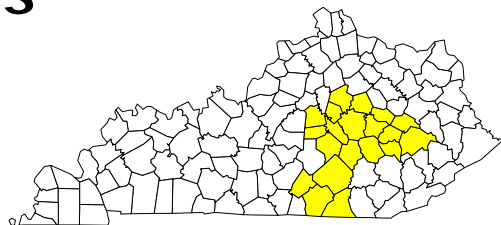
*NOTE: These numbers include conflict case numbers.

Trial Division Case and Population Totals with Average Number of Cases per 1,000 Population*: Case Rate Measured by Population Grows Again in FY 2004

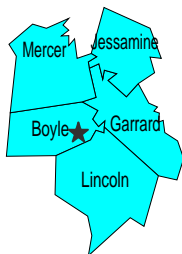


*All population data derived from: Population Division, U.S. Census Bureau; Table CO-EST2002-01-21 - Kentucky County Population Estimates: April 1, 2000 to July 1, 2002 (Release Date: April 17, 2003).

Bluegrass Region



Population: 705,512
Poverty Rate: 15.1%
Unemployment: 5.6%
Less than high school diploma: 26.0%
Total Cases: 19,905
Cases per 1,000 persons: 28.2



Danville

Population: 129,325
Poverty Rate: 13.2%
Unemployment: 5.0%
Less than h.s. diploma: 25.9%
Total Cases: 3,005
Cases per 1,000 persons: 23.2



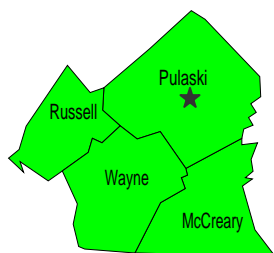
Lexington

Population: 263,618
Poverty Rate: 11.1%
Unemployment: 3.5%
Less than h.s. diploma: 14.2%
Total Cases: 7,437
Cases per 1,000 persons: 28.2



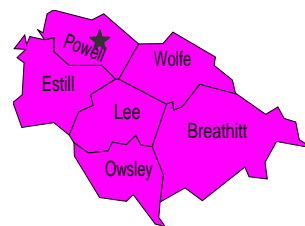
Richmond

Population: 137,621
Poverty Rate: 15.2%
Unemployment: 5.3%
Less than h.s. diploma: 29.4%
Total Cases: 3,320
Cases per 1,000 persons: 24.1



Somerset

Population: 110,870
Poverty Rate: 20.7%
Unemployment: 8.1%
Less than h.s. diploma: 38.3%
Total Cases: 3,398
Cases per 1,000 persons: 30.6



Stanton

Population: 64,078
Poverty Rate: 25.5%
Unemployment: 11.2%
Less than h.s. diploma: 44.4%
Total Cases: 2,745
Cases per 1,000 persons: 42.8

Central Region



Population: 753,301
Poverty Rate: 13.8%
Unemployment: 6.1%
Less than high school diploma: 27.1%
Total Cases: 20,952
Cases per 1,000 persons: 27.8



Bowling Green

Population: 154,565
Poverty Rate: 13.8%
Unemployment: 6.1%
Less than h. s. diploma: 27.1%
Total Cases: 4,090
Cases per 1,000 persons: 26.5



Bullitt County (Shepherdsville)

Population: 116,146
Poverty Rate: 8.6%
Unemployment: 5.7%
Less than h. s. diploma: 24.0%
Total Cases: 2,224
Cases per 1,000 persons: 19.1



Columbia

Population: 126,215
Poverty Rate: 19.0%
Unemployment: 6.0%
Less than h. s. diploma: 37.4%
Total Cases: 3,705
Cases per 1,000 persons: 29.4



Elizabethtown

Population: 178,612
Poverty Rate: 12.8%
Unemployment: 6.9%
Less than h. s. diploma: 24.5%
Total Cases: 6,338
Cases per 1,000 persons: 35.5



Barren County

Population: 38,749
Poverty Rate: 14.9%
Unemployment: 4.3%
Less than h. s. diploma: 30.5%
Total Cases: 245
Cases per 1,000 persons: 6.3



Metcalfe County

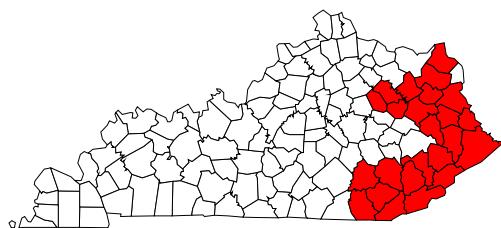
Population: 10,046
Poverty Rate: 19.5%
Unemployment: 4.2%
Less than h. s. diploma: 42.0%
Total Cases: 131
Cases per 1,000 persons: 13.0



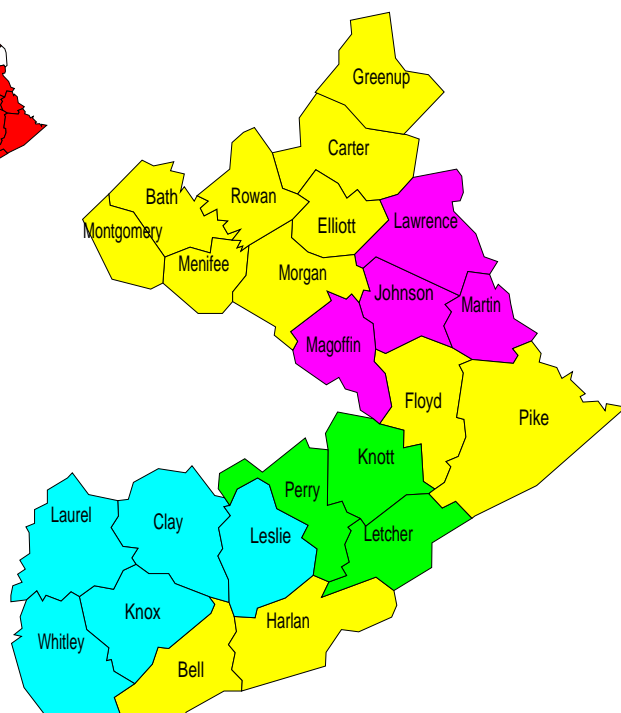
Owensboro

Population: 142,491
Poverty Rate: 12.7%
Unemployment: 6.2%
Less than h. s. diploma: 22.1%
Total Cases: 4,219
Cases per 1,000 persons: 29.6

Eastern Region

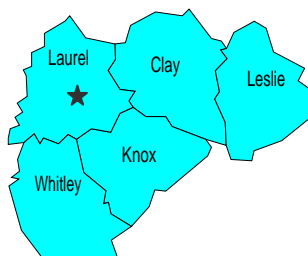


Population: 617,538
Poverty Rate: 22.5%
Unemployment: 7.3%
Less than high school diploma: 39.2%
Total Cases: 21,796
Cases per 1,000 persons: 35.3



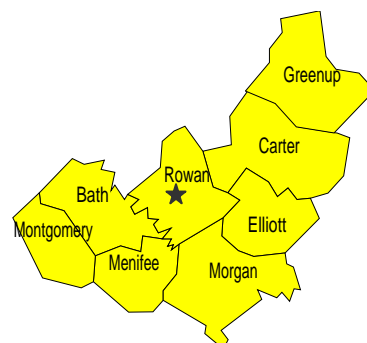
Bell County (Pineville)

Population: 62,699
Poverty Rate: 25.7%
Unemployment: 9.1%
Less than h.s. diploma: 42.3%
Total Cases: 2,157
Cases per 1,000 persons: 34.4



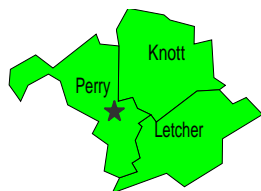
London

Population: 159,335
Poverty Rate: 23.8%
Unemployment: 7.2%
Less than h.s. diploma: 41.9%
Total Cases: 4,127
Cases per 1,000 persons: 25.9



Morehead

Population: 148,414
Poverty Rate: 18.6%
Unemployment: 7.2%
Less than h.s. diploma: 33.0%
Total Cases: 5,378
Cases per 1,000 persons: 36.2

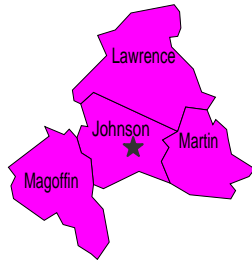
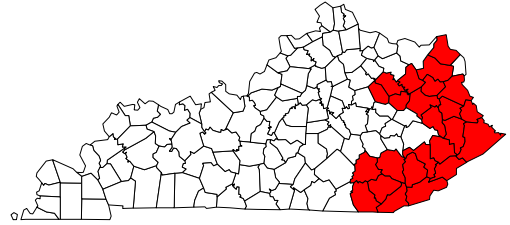


Hazard

Population: 72,034
Poverty Rate: 23.9%
Unemployment: 7.4%
Less than h.s. diploma: 41.5%
Total Cases: 5,563
Cases per 1,000 persons: 77.2

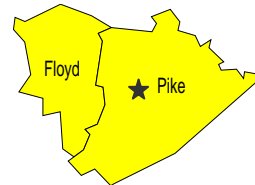
Eastern Region Continued next page...

Eastern Region Continued...



Paintsville

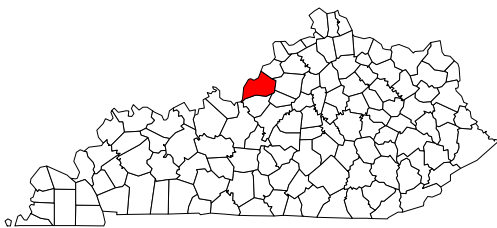
Population:	65,027
Poverty Rate:	24.9%
Unemployment:	8.0%
Less than h.s. diploma:	42.1%
Total Cases:	1,665
Cases per 1,000 persons:	25.6



Pikeville

Population:	110,029
Poverty Rate:	21.9%
Unemployment:	5.9%
Less than h.s. diploma:	38.4%
Total Cases:	2,906
Cases per 1,000 persons:	26.4

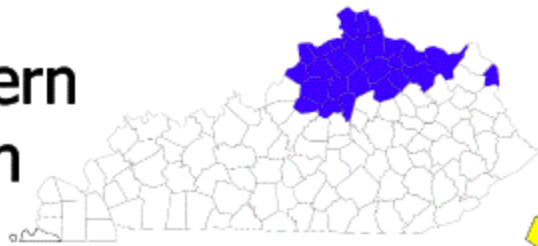
Jefferson County Region



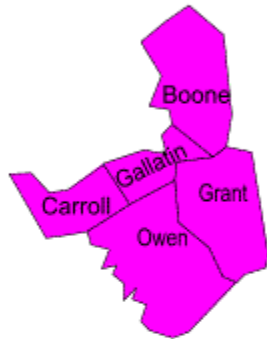
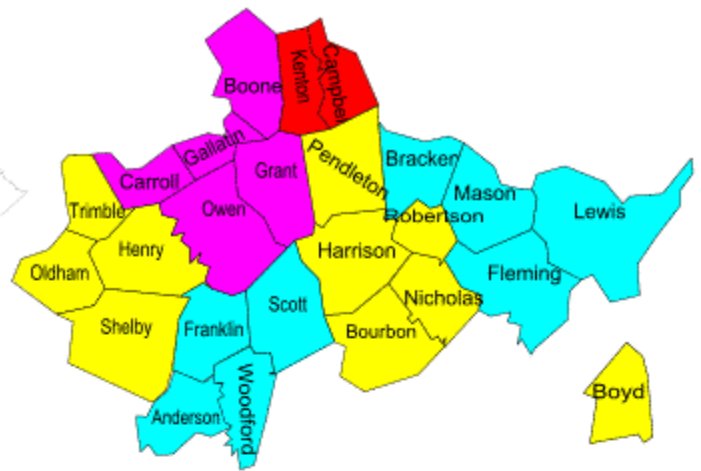
Louisville

Population:	698,080
Poverty Rate:	11.5%
Unemployment:	5.6%
Less than h.s. diploma:	18.2%
Total Cases:	28,267
Cases per 1,000 persons:	40.5

Northern Region

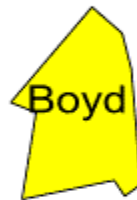


Population:	799,958
Poverty Rate:	10.2%
Unemployment:	4.4%
Less than high school diploma:	21.2%
Total Cases:	18,221
Cases per 1,000 persons:	22.8



Boone County

Population:	145,905
Poverty Rate:	6.1%
Unemployment:	3.6%
Less than h. s. diploma:	14.9%
Total Cases:	3,104
Cases per 1,000 persons:	21.3



Boyd County (Catlettsburg)

Population:	49,603
Poverty Rate:	15.3%
Unemployment:	5.4%
Less than h. s. diploma:	22.0%
Total Cases:	1,005
Cases per 1,000 persons:	20.3



Covington

Population:	240,768
Poverty Rate:	9.3%
Unemployment:	4.0%
Less than h. s. diploma:	18.6%
Total Cases:	5,394
Cases per 1,000 persons:	22.4



Frankfort

Population:	126,485
Poverty Rate:	9.9%
Unemployment:	4.1%
Less than h. s. diploma:	21.3%
Total Cases:	2,518
Cases per 1,000 persons:	19.9



LaGrange

Population:	108,474
Poverty Rate:	8.2%
Unemployment:	3.9%
Less than h. s. diploma:	19.7%
Total Cases:	1,190
Cases per 1,000 persons:	18.3

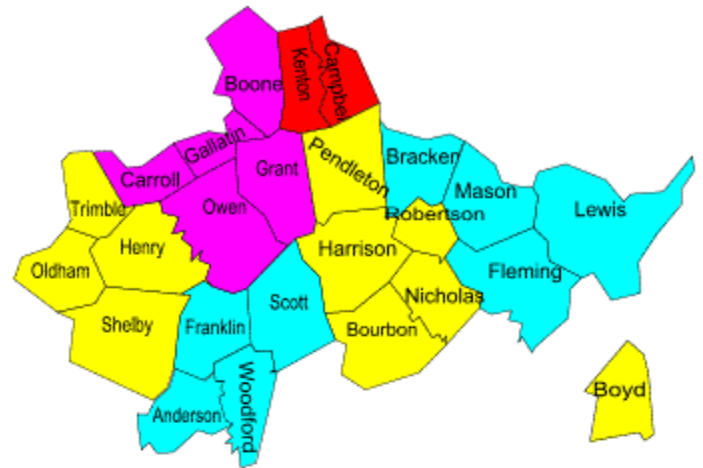


Maysville

Population:	53,437
Poverty Rate:	16.7%
Unemployment:	6.0%
Less than h. s. diploma:	32.2%
Total Cases:	2,299
Cases per 1,000 persons:	43.0

Northern Region continued next page ...

Northern Region Continued...



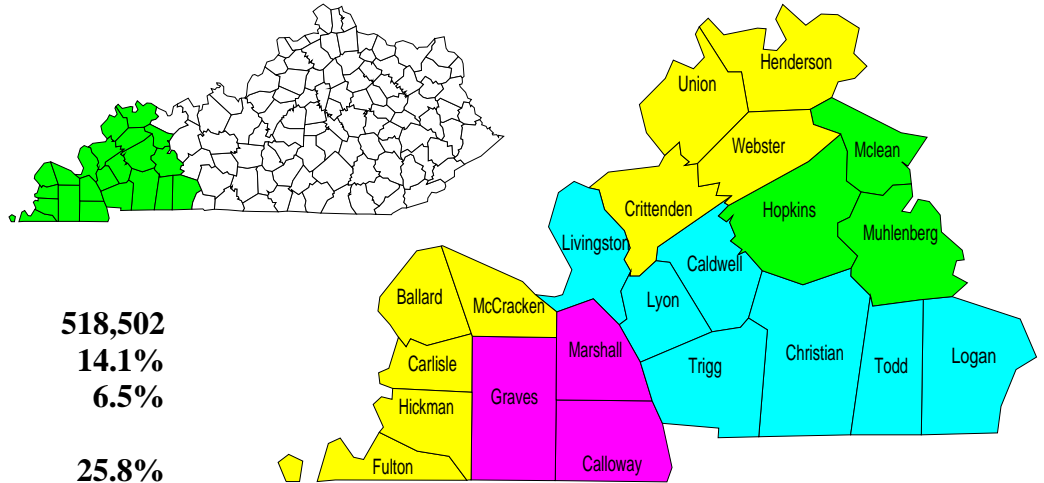
Population:	799,958
Poverty Rate:	10.2%
Unemployment:	4.4%
Less than high school diploma:	21.2%
Total Cases:	18,221
Cases per 1,000 persons:	22.8



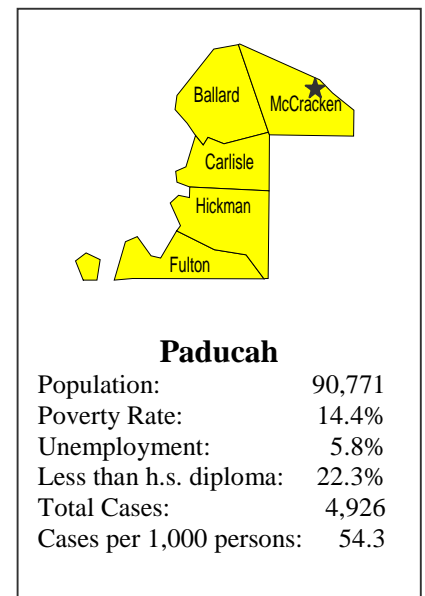
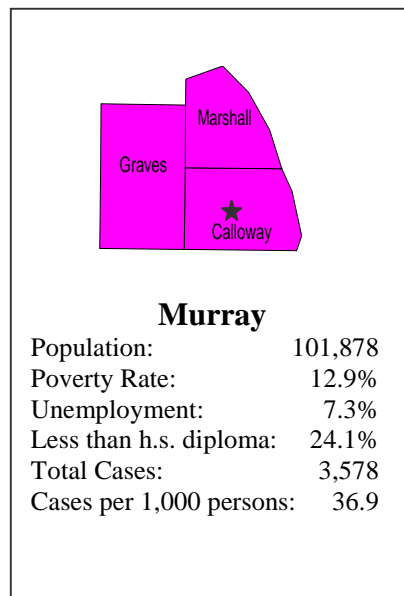
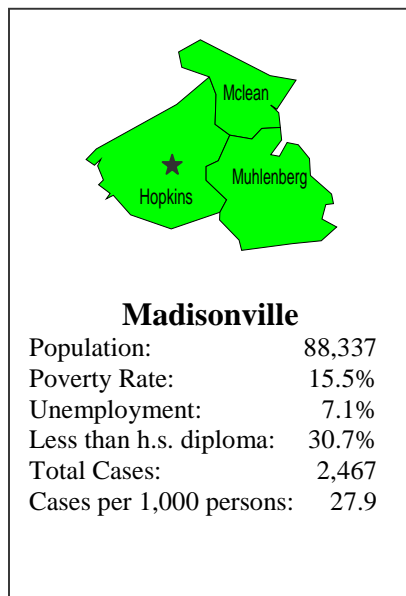
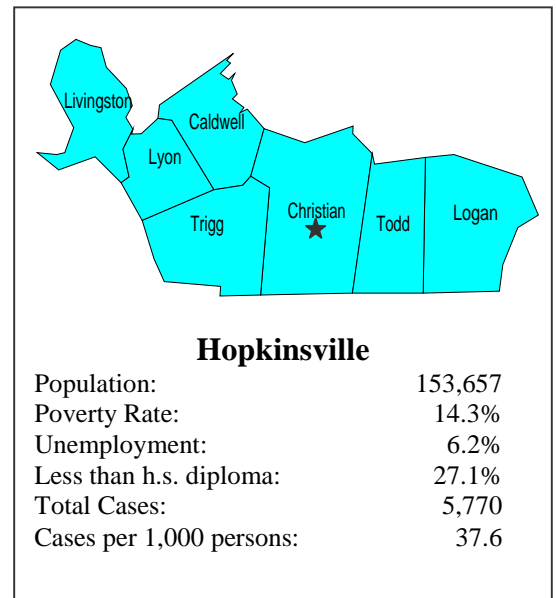
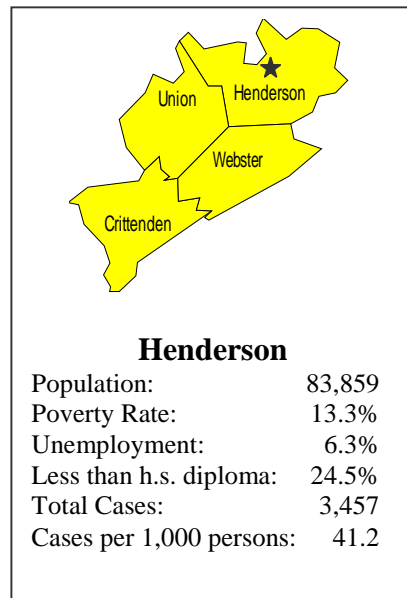
Harrison County (Cynthiana)

Population:	61,763
Poverty Rate:	12.2%
Unemployment:	7.0%
Less than h. s. diploma:	25.8%
Total Cases:	1,911
Cases per 1,000 persons:	30.9

Western Region



Population: 518,502
Poverty Rate: 14.1%
Unemployment: 6.5%
Less than high school diploma: 25.8%
Total Cases: 20,378
Cases per 1,000 persons: 39.3



SOURCE DATA AND COMPILATION METHODOLOGY

Department of Public Advocacy Defender Caseload Report- FY 04: Tab 4

- (1) **Population:** Population Division, U.S. Census Bureau; Table CO-EST2002-01-21 – Kentucky County Population Estimates: April 1, 2000 to July 1, 2002 (Release Date: April 17, 2003).
- (2) **Poverty:** U.S. Census Bureau, Housing and Household Economic Statistics Division, Small Area Estimates Branch. Table A99-21. "Estimated Number and Percent People of All Ages in Poverty by County: Kentucky 1999". Last revised: October 29, 2002.
- (3) **Unemployment:** U.S. Department of Labor: Bureau of Labor Statistics - "Labor Force Data by County, 2002 Annual Averages."
- (4) **Education:** Census 2000 Summary File 3 (SF 3) - Sample Data. Table P37: Sex by Educational Attainment for the Population 25 Years and Over

For each Trial Division Region or Field Office, the population totals for each relevant county were combined to achieve the total. Poverty, unemployment, and educational data were derived by weighting the statistics from each included county according to the county population. For example, a county with an unemployment rate of 10% and a population of 10,000 people would have twice as much influence on a field office or regional total than a county with the same unemployment rate but a population of only 5,000 people. This method more accurately represents the situation for the average person in that total area (particularly compared to what could be derived from a simple average of all the county rates). Put another way, 10% unemployment would hurt more people in Jefferson County (the most populous county) than it would in Robertson County (the least populous county), and all listed rates reflect this fact accordingly.

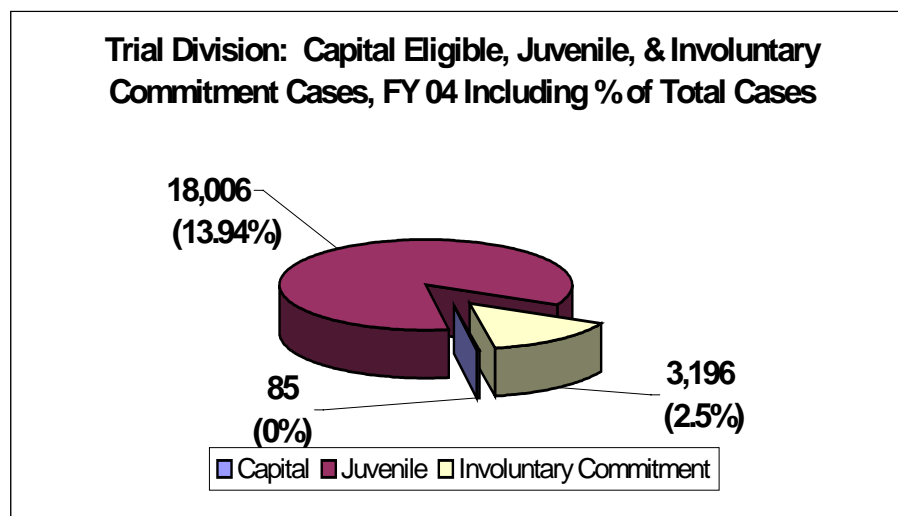
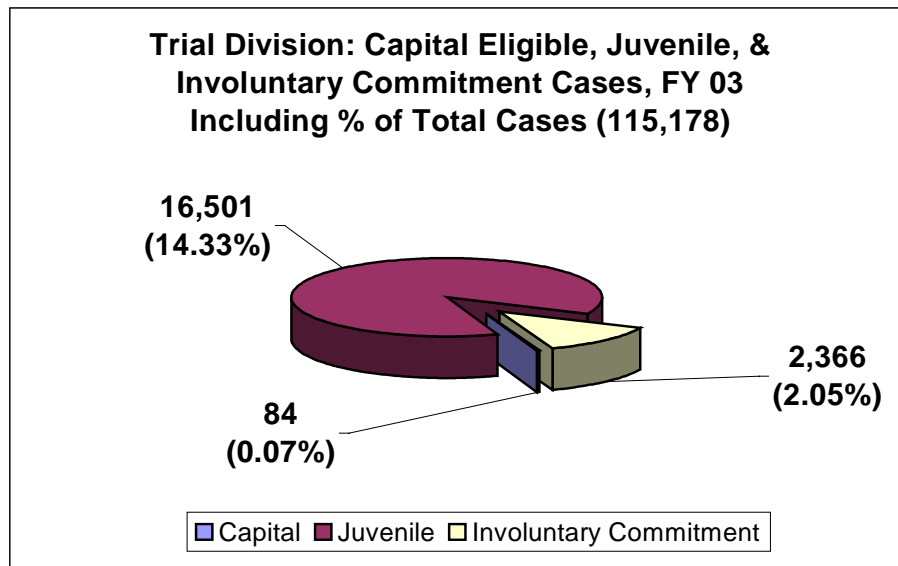
The Census Bureau table used for educational data broke the education groups down into much more specific categories than those listed here. A high school diploma was considered by DPA LOPS staff to be the best individual measurement. Thus, all population totals for educational attainment of less than a high school diploma were combined in each county to derive the percentage (compared to overall adult population 25 or above) used in these charts.

TAB 5

**DPA Trial Division Capital, Juvenile, and Involuntary
Commitment Cases Reported Opened FY 2004: Total Number
of Juvenile Cases opened by the Trial Division Grows by over
1,000 Cases**

<u>Cases Reported Opened in FY 04:</u>	
Capital Eligible:	85
Juvenile:	18,006
Involuntary Commitment:	3,196

	<u>Cases</u>	<u>% Trial Caseload</u>
FY 04	18,006	13.94%
FY 03:	16,501	14.33%
FY 02:	16,935	16.00%
FY 01:	16,631	16.88%
FY 00:	16,178	16.97%
FY 99:	18,708	19.16%
FY 98:	18,772	20.13%



FY 2004 Full Year: Capital Eligible, Juvenile, and Involuntary Commitment Cases

County Name	Capital Eligible	Juvenile	Involuntary Comm
ADAIR		50	
ALLEN	2	16	
ANDERSON		81	
BALLARD		19	
BARREN		12	
BATH		42	
BELL	2	108	
BOONE		419	32
BOURBON	1	65	
BOYD	2	153	
BOYLE		104	
BRACKEN		42	
BREATHITT		49	
BRECKINRIDGE	1	60	
BULLITT		158	
BUTLER		16	
CALDWELL		39	
CALLOWAY		187	
CAMPBELL	4	206	
CARLISLE		17	
CARROLL		70	
CARTER	4	145	
CASEY		37	
CHRISTIAN	1	389	717
CLARK	2	164	
CLAY	2	62	
CLINTON		14	

County Name	Capital Eligible	Juvenile	Involuntary Comm
CRITTENDEN		18	
CUMBERLAND		23	
DAVIESS		480	1
EDMONSON		10	
ELLIOTT		34	
ESTILL		43	
FAYETTE		1,091	548
FLEMING	10	25	
FLOYD		145	1
FRANKLIN	1	208	
FULTON		32	
GALLATIN		43	3
GARRARD	1	66	
GRANT		81	1
GRAVES	1	154	
GRAYSON	2	104	
GREEN		32	
GREENUP		140	
HANCOCK		22	
HARDIN	3	356	29
HARLAN		175	
HARRISON	2	75	
HART		32	
HENDERSON	3	395	
HENRY		42	
HICKMAN		4	
HOPKINS		219	1
JACKSON		27	
JEFFERSON		4,126	1,087

County Name	Capital Eligible	Juvenile	Involuntary Comm
JESSAMINE		198	1
JOHNSON		75	
KENTON	6	1,006	155
KNOTT		136	
KNOX		355	
LARUE		49	
LAUREL	3	380	
LAWRENCE	1	78	
LEE	1	18	
LESLIE		17	
LETCHER	1	341	1
LEWIS		40	
LINCOLN		56	
LIVINGSTON		27	
LOGAN	1	42	
LYON		16	
MCCRACKEN	2	595	
MCCREARY		86	
MCLEAN		17	
MADISON		189	
MAGOFFIN	1	58	
MARION		30	
MARSHALL	1	138	
MARTIN	2	29	
MASON		106	
MEADE		59	
MENIFEE		35	
MERCER		59	
METCALFE		23	

County Name	Capital Eligible	Juvenile	Involuntary Comm
MONROE		27	
MONTGOMERY		159	
MORGAN		47	
MUHLENBERG		83	
NELSON		117	3
NICHOLAS		30	
OHIO	1	35	
OLDHAM		80	
OWEN		47	
OWSLEY		10	
PENDLETON	1	61	
PERRY	1	234	616
PIKE	1	318	
POWELL		15	
PULASKI		97	
ROBERTSON		22	
ROCKCASTLE		20	
ROWAN		89	
RUSSELL		48	
SCOTT	2	99	
SHELBY		86	
SIMPSON	1	35	
SPENCER	2	19	
TAYLOR		105	
TODD		20	
TRIGG		40	
TRIMBLE		24	
UNION		39	
WARREN	2	455	

County Name	Capital Eligible	Juvenile	Involuntary Comm
WASHINGTON	1	10	
WAYNE	3	38	
WEBSTER		48	
WHITLEY	5	148	
WOLFE		41	
WOODFORD		76	
TOTALS	85	18,006	3,196

TAB 6

**ANNUAL REPORT
FY 2004
APPEALS BRANCH CASELOAD**

CASES ASSIGNED

(all cases assigned for briefing, does not include assignments
for review under KRS 31.110)

Court of Appeals

	Appeals Unit A	Appeals Unit B	Appeals Unit C	Of-Counsel	Total
Cases Assigned	28	53	66	26	173

Supreme Court

	Appeals Unit A	Appeals Unit B	Appeals Unit C	Of-Counsel	Total
Cases Assigned	49	28	31	2	110

Federal Habeas Cases

	Appeals Unit A	Appeals Unit B	Appeals Unit C	Total
Cases Assigned	1	0	0	1

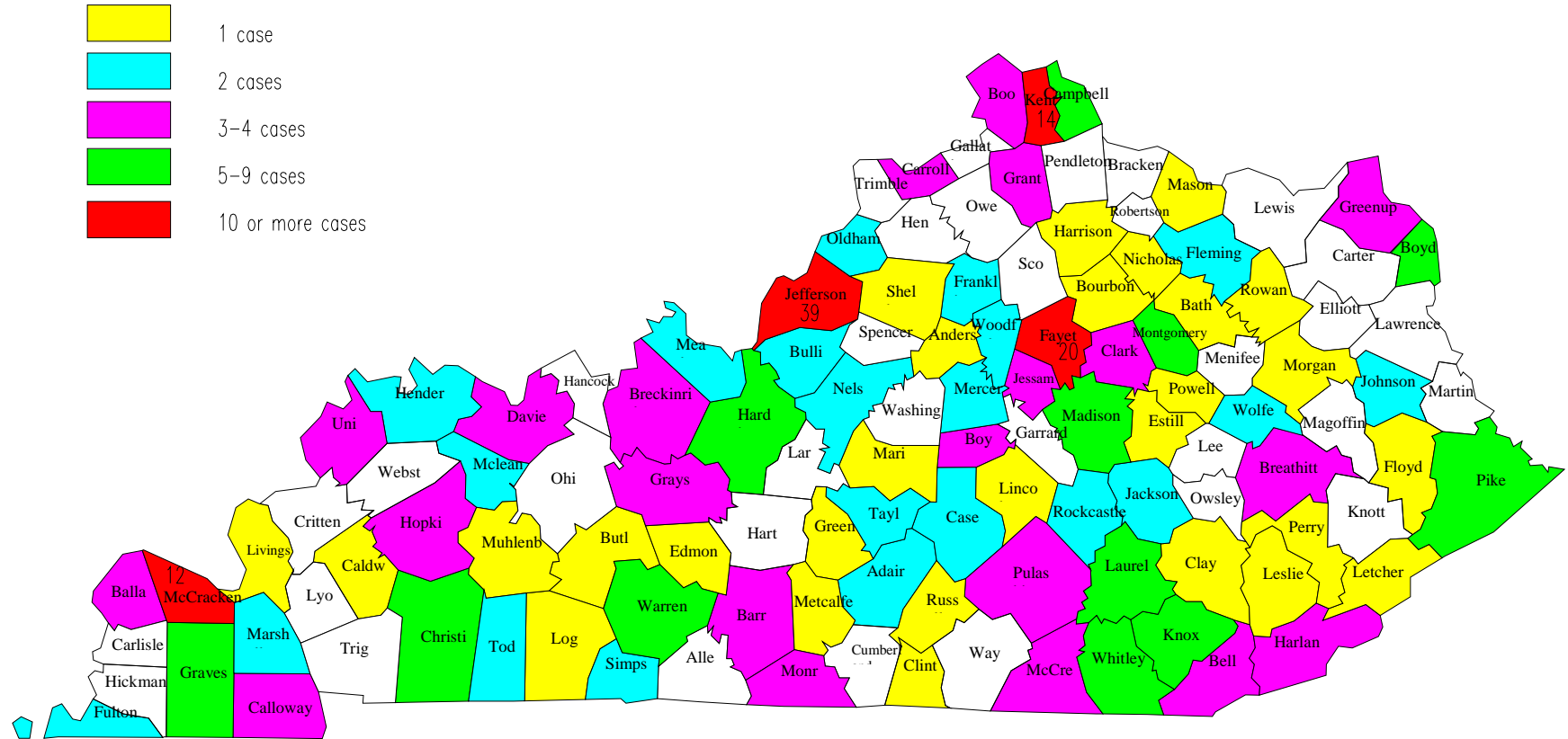
Louisville and Lexington Offices

	Louisville Office	Lexington Office	Total
Cases Assigned	76	44	120

TOTALS

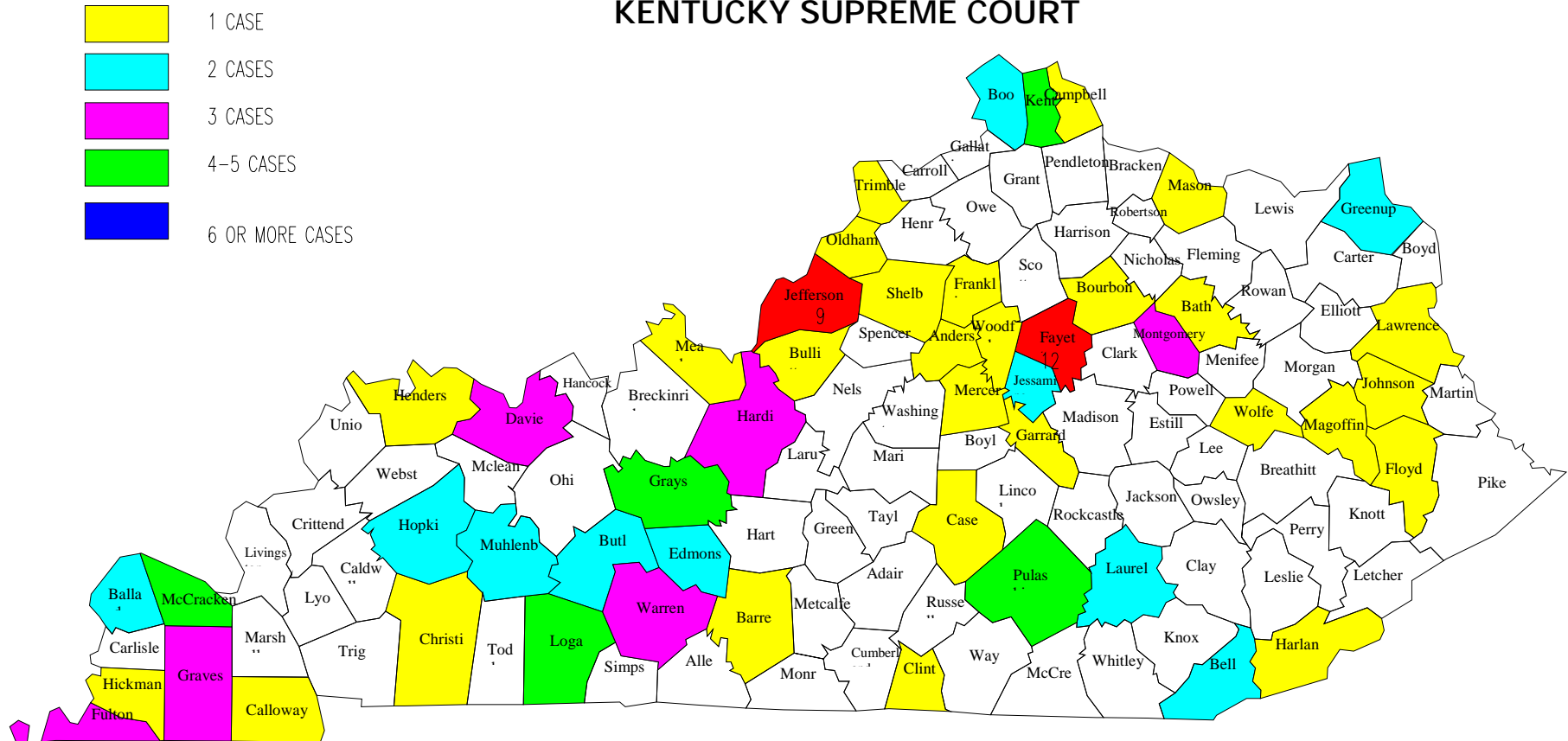
	Court of Appeals	Supreme Court	Federal Habeas Cases	Louisville & Lexington	TOTAL
Cases Assigned	173	110	1	120	404

Appeals Branch Cases Received By County FY-04 Court of Appeals



NOTE: This map includes information from both Post-Conviction and from Direct Appeals.

APPEALS BRANCH CASES RECEIVED BY COUNTY FY-04 KENTUCKY SUPREME COURT



NOTE: This does not include numbers from the Post-Conviction Branch. These are only Direct Appeals.

TAB 7

Juvenile Appeals Caseload

Cases Assigned, By Quarter, FY 2004

Type of Case		1 Q	2 Q	3 Q	4 Q	Total
Original Action	Circuit Court	1	0	0	1	2
	Court of Appeals	0	0	0	0	0
	Supreme Court	0	0	0	0	0
	Federal Court	0	0	0	0	0
Public Offender Appeal	Circuit Court	4	1	5	10	20
	Court of Appeals	1	0	0	1	2
	Supreme Court	0	1	0	1	2
	Federal Court	0	0	0	0	0
Family Court Appeal	Circuit Court	0	0	0	0	0
	Court of Appeals	1	0	3	1	5
	Supreme Court	0	0	0	0	0
	Federal Court	0	0	0	0	0
Youthful Offender Appeal	Circuit Court	0	0	0	0	0
	Court of Appeals	2	0	0	0	2
	Supreme Court	0	0	0	0	0
	Federal Court	0	0	0	0	0
Adult Appeal	Circuit Court	0	0	0	0	0
	Court of Appeals	1	1	3	2	7
	Supreme Court	1	2	2	2	7
	Federal Court	0	0	0	0	0
Total		11	5	13	18	47

Documents Filed and Hearings Attended, JPDB, FY 2004
Post Disposition

	1Q	2Q	3Q	4Q	Total
State Habeas Corpus Filed	0	0	0	0	0
State Habeas Corpus Hearings	0	0	0	0	0
11.42's Filed	1	4	3	0	8
11.42 Hearings	0	4	2	2	8
610.120 Motions Filed	7	3	15	10	35
610.120 Hearings	5	4	8	18	35
Motions for Belated Appeal Filed	0	0	0	0	0
Motions for Belated Appeal Hearings	0	0	0	0	0
Cases Resolved By Agreement, No Filing	2	0	1	2	5
YO Sentencing Motions Filed	10	3	2	4	19
ASP's Filed	8	4	6	6	24
Sentencing Hearings Held	8	5	4	6	23
Briefs Filed	0	2	2	1	5
Oral Arguments Held	0	1	4	4	9
Other Motions Filed	6	9	13	10	38
Other Non-SPR Hearings Held	0	4	0	3	7
Number of Claims Administratively Resolved	32	18	18	26	94
SPR Cases	1	0	0	0	1
Total	80	61	78	92	311

Juvenile Appeals

	1Q	2Q	3Q	4Q	Total
Original Actions	3	0	2	1	6
Motions Filed	25	19	23	31	98
Original Briefs Filed	9	6	6	14	35
Reply Briefs Filed	3	3	4	5	15
Hearings/Oral Arguments	8	8	5	6	27
Total	48	36	40	57	181

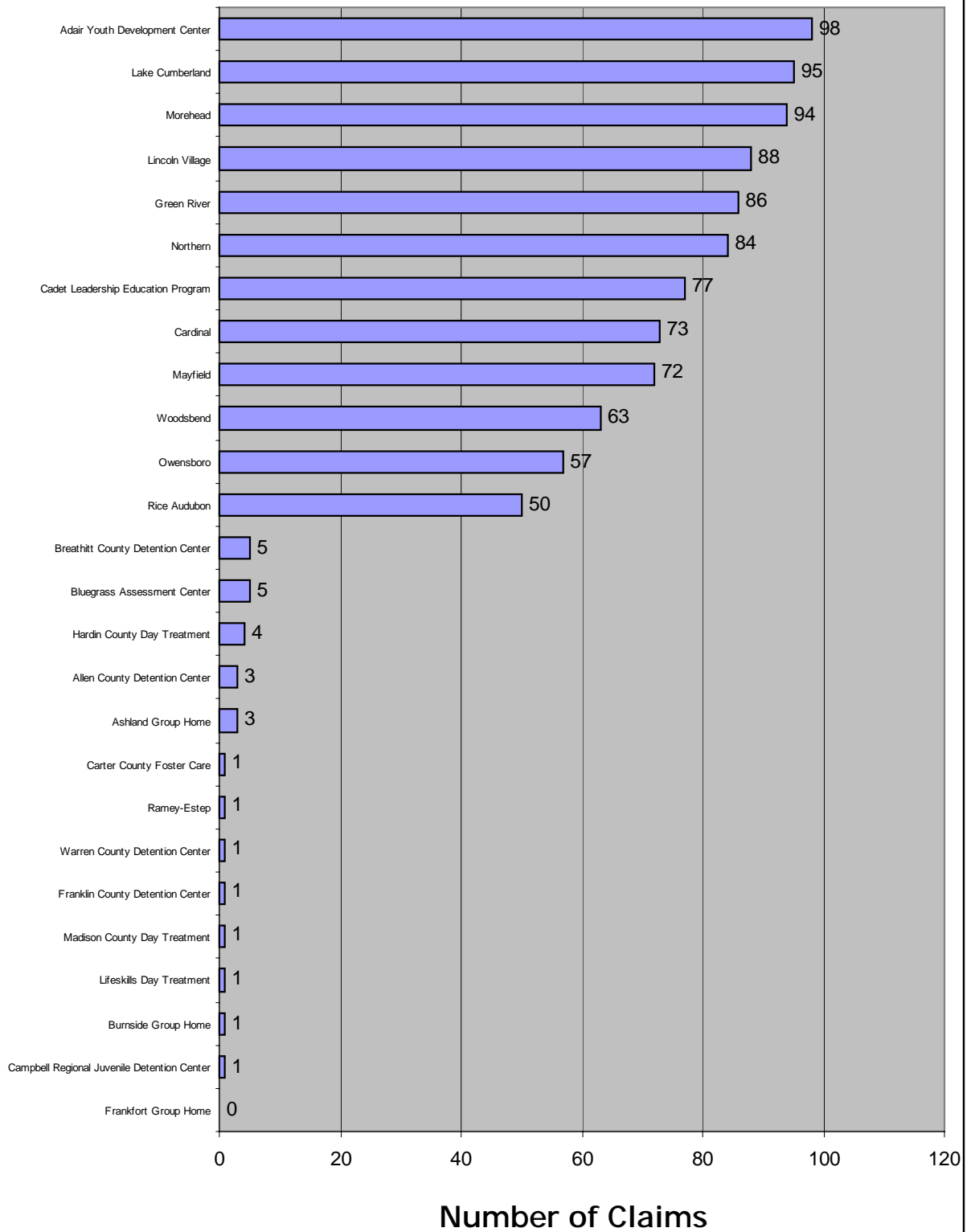
JAIBG

	1Q	2Q	3Q	4Q	Total
Attendance in Juvenile Court	8	3	5	6	22
Motions Filed	4	7	6	5	22
Original Briefs Filed	1	1	0	1	3
Reply Briefs Filed	0	0	0	0	0
Hearings, Oral Arguments	1	0	7	5	13
Meetings with Judges in Field Offices	4	3	9	4	20
Total	18	14	27	21	80

JPDB Open Claims -- FY 2004

Institution Name	Fact	Duration	Condition	TOTAL
Morehead	48	21	25	94
Northern	63	14	7	84
Woodsbend	54	7	2	63
Lake Cumberland	65	16	14	95
Rice Audubon	37	3	10	50
Cardinal	41	16	16	73
Lincoln Village	56	31	1	88
Owensboro	33	12	12	57
Mayfield	42	9	21	72
Green River	43	20	23	86
Bluegrass Assessment Center	5			5
Campbell Regional Juvenile Detention Center	1			1
Cadet Leadership Education Program	67	3	7	77
Ashland Group Home	1	2		3
Burnside Group Home		1		1
Frankfort Group Home				0
Hardin County Day Treatment	4			4
Lifeskills Day Treatment	1			1
Madison County Day Treatment	1			1
Breathitt County Detention Center	3	1	1	5
Franklin County Detention Center	1			1
Warren County Detention Center			1	1
Allen County Detention Center	1	2		3
Adair Youth Development Center	42	45	11	98
Ramey-Estep	1			1
Carter County Foster Care		1		1
TOTAL	610	204	151	965

Open Claims by Institution



TAB 8

Post Conviction Quarterly/YTD Report
Year To Date
July 1, 2003 - June 30, 2004

Cases	Qtr 1				Qtr 2				Qtr 3				Qtr 4				YTD Totals			
	Term of Yrs	WOP	WOP 25	total	Term of Yrs	WOP	WOP 25	total	Term of Yrs	WOP	WOP 25	total	Term of Yrs	WOP	WOP 25	total	Term of Yrs	WOP	WOP 25	total
RCR 11. 42- Court appointed	31		0	31	52		0	52	39		2	41	42		2	44	164	0	4	168
RCR 11. 42- Branch appointed				0				0				0	1			1	1	0	0	1
60.02- Court appointed	5			5	3			3	11			11	14			14	33	0	0	33
60.02- Branch appointed				0				0				0				0	0	0	0	0
Cir Ct.11.42 revwd w/ findings of no merit				0				0	2			2	2			2	4	0	0	4
State Habeas filed				0	1			1	4			4	0			0	5	0	0	5
Federal Habeas Opened				0	1			1	2			2	1			1	4	0	0	4
Ct of App. Cases Opened	3			3	3			3	7			7	12	1		13	25	1	0	26
Ky SCt Cases Opened	2			2	2			2	6			6	2			2	12	0	0	12
6th Circuit Cases Opened				0				0				0	0			0	0	0	0	0
Non Capital Clemency				0				0				0	0			0	0	0	0	0
31.110 App Reviews	18			18	27			27	36			36	49			49	130	0	0	130
COA's denied	2			2				0				0	0			0	2	0	0	2
KIP cases assigned	16			16				0				0	0			0	16	0	0	16
Totals	77	0	0	77	89	0	0	89	107	0	2	109	123	1	2	126	396	1	4	401
Pending Cases				0				0	324			324				0	324	0	0	324
Totals	77	0	0	77	89	0	0	89	431	0	2	433	123	1	2	126	461	2	4	467

Office	# Clients Served from Intake *				
	Q1	Q2	Q3	Q4	YTD
Frankfort	64	38	64	48	214
KSR	18	12	153	40	223
KSP	72	70	64	23	229
TOTALS	154	120	281	111	666

* NOTE: Clients served from intake represents work done under an ongoing project by the Post Conviction branch to address issues by incarcerated inmates. These issues are not counted as cases by the Post Trial Division.

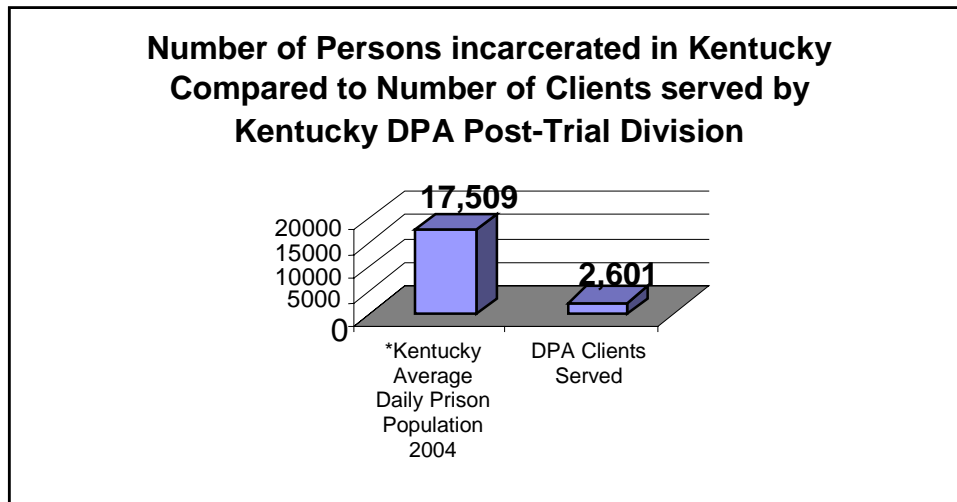
POST CONVICTION BRANCH
CAPITAL CASELOAD
Qtrly/ YTD report
*cases handled in-house and of-counsel

Cases	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Year to Date		
	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL	OPEN	PENDING	TOTAL
11.42	0	18	18		14	14	0	14	14	0	14	14	0	14	14
11.42 Appeal	0	4	4	3	2	5	0	5	5	0	4	4	3	5	8
60.02	0	1	1	0	1	1	1	1	2	0	1	1	0	4	4
60.02 Appeal	0	1	1	0	1	1	0	1	1	0	1	1	0	4	4
USSCT Cert	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Federal Habeas	0	4	4	2	4	6	1	6	7	1	7	8	3	8	11
Appeal to 6th Circuit	0	6	6	0	6	6	0	5	5	0	5	5	1	6	7
USSCT Cert	0	0	0	0	0	0	0	0	0	1	0	1	1	0	1
Clemency	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTALS	0	35	34	5	28	33	2	32	34	2	32	34	8	41	50

KENTUCKY INNOCENCE PROJECT
ANNUAL REPORT
FISCAL YEAR 2004

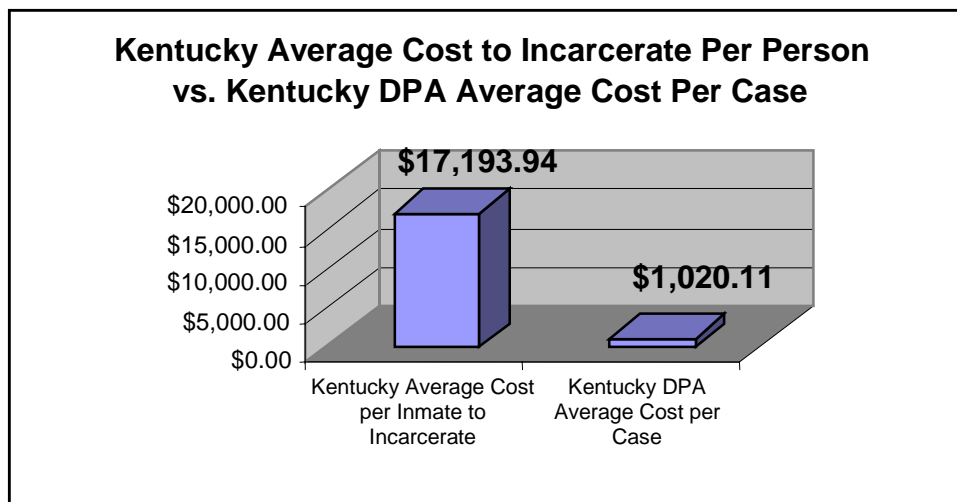
	Inmate	Family	Other	Total
Letters Received	89	7	5	101
Information Packets Mailed	39			39
Request for Assistance Received	76			76
Requests for Assistance Reviewed	57			57
Screening Questionnaires Mailed	31			31
Screening Questionnaires Received	23			23
Screening Questionnaires Reviewed	18			18
Referral	24			24
Denials	18			18
Cases Recommended for Assignment	16			16

Comparisons of Work from the Post-Trial Division with Kentucky Total Incarcerated Population and Kentucky Incarceration Costs



NOTE: The 2004 Average Daily Population is cited from a report on the Kentucky Department of Corrections website:

http://www.corrections.ky.gov/Facts_n_Figures/AvgDailyPop04.pdf



NOTE: The 2003 Average Cost Per Inmate to Incarcerate is cited from a report on the Kentucky Department of Corrections website:

http://www.corrections.ky.gov/Facts_n_Figures/cost0203.pdf.

The Funding Per Case of the Kentucky DPA Post-Trial Division includes cases from both the adult and juvenile branches.

The Kentucky Department of Public Advocacy does not discriminate in employment of individuals or provision of services with regard to race, color, religion, national origin, disability, sex, age, or sexual orientation.



This document was printed with state funds.